

Local Government (Ireland) Bill.

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B I L L

FOR

Amending the Law relating to Local Government in Ireland, and for other purposes connected therewith. A.D. 1889.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

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PART I.
COUNTY COUNCILS.
Constitution.

PART I.
County Councils.

1. A council shall be established in every administrative county, and be entrusted with the management of the administrative and financial business of that county, and shall consist of a chairman and councillors. Establishment of county councils.

2.—(1.) The councillors of a county shall (subject to the provisions herein-after contained with respect to additional members) be elected by the local government electors for the county, that is to say— Election and qualification of councillors.

(a) every person for the time being registered in the parliamentary register of electors in respect of a qualification in the county; and

(b) every person who would, but for being a peer or a woman, be entitled to be so registered, and is registered under the Registration (Ireland) Act, 1898.

(2.) The councillors shall hold office for a term of *three years* and shall then retire together, and their places shall be filled by a new election.

(3.) The number of councillors and the divisions in every county for their election (in this Act referred to as county electoral divisions) shall be those provided by an order of the Local Government

[Bill 89.]

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PART I.

County
Councils.

Board made before the *first day of January* next after the passing of this Act, subject after the first election to alteration in manner provided by or in pursuance of this Act:

Provided that one councillor only shall be elected for each county electoral division except where an urban district forming one such 5 division returns more than one councillor.

(4.) At an election for a county, each elector may give one vote and no more, or in case of an urban district forming one county electoral division and returning more than one councillor, one vote and no more for each of any number of persons not exceeding 10 the number of councillors to be elected for that division, and shall not vote at the same election in more than one county electoral division of the county.

(5.) A person shall not be qualified to be elected or to be a councillor for a county, unless he is a local government elector 15 for such county.

Additional
members
and chairman
and vice-
chairman
of county
council.

3.—(1.) The chairman of every rural district council (established under this Act) within the county shall, by virtue of his office, be an additional member of the county council, but if such chairman is otherwise a member or is disqualified for election as a member, of 20 the county council, the district council may assign one of their number who is not so disqualified to take during the term of office of that chairman the place of the chairman as additional member of the county council.

(2.) The county council may annually choose a chairman, and 25 if they think fit a vice-chairman, from among the councillors or persons qualified to be such, and every such chairman and vice-chairman while in office shall be a member of the council, and the chairman shall, by virtue of his office, be a justice of the peace for the county, but before acting as such justice he shall, if he has not 30 already done so, take the oaths required by law to be taken by a justice.

Powers of County Councils and County Court.

Transfer to
county
council of
business of
grand jury
and county
at large pre-
sentment
sessions.

4.—(1.) Subject to the provisions of this Act, there shall be transferred to the council of each county all the business of the grand 35 jury not excepted by this section, and all the business of the county at large presentment sessions; and the county council for the purpose of such business shall, save that any fiat or other sanction of a judge of assize shall not be required, have the powers and duties of the grand jury and the said presentment sessions in connexion 40 with the said business, and also such further powers and duties as

are conferred on them by this Act, or as may be necessary for conducting, as an administrative body, the business hereby transferred.

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PART I.

County Councils.

(2.) Nothing in this Act shall transfer to a county council or a member thereof—

- 5 (a) any business relating to bills of indictment or any business of the grand jury at common law; or
 (b) any power to administer an oath; or
 (c) any business of the grand jury by this Act transferred to the county court; or
 10 (d) any power to appoint a visiting committee for a prison.

5.—(1.) There shall be transferred to the county court the business of any presentment sessions and grand jury in relation to compensation for criminal injuries, that is to say, compensation under the enactments mentioned in Part One of the First Schedule
 15 to this Act.

Transfer to county court of grand jury business respecting compensation for criminal injuries.

(2.) Upon an application for such compensation, the county court may either refuse the application, or make a decree against the county council, which shall have the same effect as if it were a presentment under the said enactments, and those enactments
 20 and any other enactments relating to such a presentment shall apply with the necessary modifications, and with the modification that the judge of assize in addition to any other power shall have power to alter the presentment as regards the area off which the compensation is to be levied.

25 6. There shall be transferred to the council of each county—

- (a) the business of the guardians with respect to making, levying, collecting, and recovering the poor rate in so much of the county as is not comprised in an urban district, and
 (b) the business of the guardians as local authority under the
 30 Diseases of Animals Act, 1894, and the Destructive Insects Act, 1877.

Transfer to county council of business of boards of guardians as to poor rate and cattle diseases.
 27 & 28 Vict. c. 67.
 40 & 41 Vict. c. 68.

7. The council of a county shall be a local authority within the meaning of the Technical Instruction Acts, 1889 and 1891; but this section shall not prevent any other local authority under the
 35 said Acts from acting concurrently with the county council, if that authority act in accordance with any general scheme framed by the council or otherwise with the consent of the council;

Powers of county council as to technical instruction.
 32 & 53 Vict. c. 75.
 54 Vict. c. 4.

Provided that the rate levied under the said Acts by such authority shall not, when combined with the rate levied thereunder
 40 by the county council, exceed the limit thereby authorised.

8.—(1.) One half of the expenses of the maintenance, enlargement, or improvement of any main road shall be levied off the
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Expenses and determination by

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PART I.

County Councils.

county
control of
main roads.

administrative county, and the other half off the county districts in which the road is situate.

(2.) Every road the maintenance of which at the *passing of this Act* is levied partly off the county at large and partly off any barony shall be a main road until it ceases so to be as herein-after provided 5 and the enactments respecting mail roads shall be repealed.

(3.) The council of each county may, upon the report of the county surveyor, make a general declaration declaring what roads in the county shall be main roads; and any road not mentioned in such declaration shall cease to be a main road; and at any time 10 after the end of *five years*, the council may, if they think fit, reconsider the declaration and make a new declaration, and so on at intervals of not less than five years.

(4.) The county council may declare a proposed new road to be a main road, subject to reconsideration at any time at which the 15 council reconsider any general declaration, and the cost of and incidental to the making of such road shall be levied in like manner as its maintenance.

(5.) The county council shall give not less than *six months* notice of a proposed declaration to every district council in the 20 county; and any such district council, if aggrieved by the proposed declaration or by the omission therefrom of any road, may, within those six months appeal to the Local Government Board, and that Board after communication with the county council may dismiss the appeal or make any declaration which the county council could 25 have made, and that declaration shall operate as a declaration by the council.

(6.) In the event of such an appeal, the declaration shall be suspended while the appeal is pending. A county council may also suspend a declaration as regards a portion of an old road situate in 30 any county district, until the council of the district have proposed the expenditure of sufficient money for placing that portion in proper repair and condition to the satisfaction of the county council.

Provision
and manage-
ment of
lunatic
asylums.

9.—(1.) It shall be the duty of the council of every county to provide and maintain sufficient accommodation for the lunatic poor 35 in that county in accordance with the Lunatic Asylum Acts, and if it appears to the Lord Lieutenant that any council fail to perform such duty, he may order that council to remedy the failure within the time and in the manner (if any) specified in the order.

(2.) The duties of the council under this section shall be exercised 40 through a committee appointed by them, and if the Lord Lieutenant fix a number, of the number so fixed; and out of that committee a number not exceeding one-fourth may be persons not members of the council.

(3.) There shall be transferred to the council, acting through that committee, the business of the governors and directors of the asylum under the Lunatic Asylum Acts, and the committee, subject to the general control of the council as respects finance, may act without
5 their acts being confirmed by the council.

(4.) Plans and contracts for the purchase of land and buildings, and for the erection, restoration, and enlargement of buildings, shall not be carried into effect until approved by the Lord Lieutenant.

(5.) The county council through the said committee shall properly,
10 manage and maintain every lunatic asylum for their county; and subject to the provisions of this Act, may appoint and remove the officers of the asylum, and regulate the expenditure; and the powers, under the Lunatic Asylums Acts, of the Lord Lieutenant or the inspectors of lunatics, as to those matters, and as to land and
15 buildings, and as to the appointment of governors or directors, shall cease, and also the Board of Control for lunatic asylums shall be abolished.

(6.) The county council, through the said committee, may, and if required by the Lord Lieutenant shall, make regulations respecting
20 the government and management of every lunatic asylum for their county, and the admission, detention, and discharge of lunatics, and the regulations when approved by the Lord Lieutenant with or without modifications shall have full effect.

(7.) Where a district for a lunatic asylum comprises two or more
25 counties, this section shall apply with the necessary modifications to those counties and to the councils thereof; and the expenses shall be defrayed by the several counties in proportion to the number of lunatics from each county according to the average of the three local financial years which ended next before the last triennial
30 election of county councillors; and the committee for the asylum shall be a joint committee of the councils of the counties, with a representation of each council (determined in case of dispute by the Lord Lieutenant), in the same proportion as that in which the expenses are defrayed.

35 10.—(1.) A county council, for the purpose of any of their powers and duties, may acquire, purchase, take on lease, or exchange, any land or any easements or rights over or in land, whether within or without their county, including rights to water, and may acquire, hire, erect, and furnish such halls, buildings, and offices as they
40 require, whether within or without their county, and for the purpose of this section section two hundred and three of the Public Health Act, 1878, shall apply with the necessary modifications.

(2.) A county council shall not take or use any such land, easements, or rights without, either the consent of the owner and

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PART I.

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Cf. 53 & 54
Vict. c. 6.
s. 254.Powers of
county
council as to
acquisition
of land or
easements.
41 & 42 Vict.
c. 52.

A.D. 1888. occupier, or the authority of a provisional order duly confirmed, and where the order does not affect demesne land, it may be confirmed without the authority of Parliament in manner provided by section twelve of the Labourers (Ireland) Act, 1885, and that section and any enactment amending the same shall apply, with the necessary modifications.

PART I.

County Councils.

45 & 49 Vict.
c. 77.

Powers of
county
council
as to sudden
damage to
public
works.

11.—(1.) The council of each county shall in manner prescribed by the Local Government Board arrange for the immediate repair of sudden damage to any public work, but where the expense of the repair is wholly leviable off any district and not partly off the county at large, such expense shall not exceed *fifty pounds* if within the prescribed time the council of the district object to any larger expenditure.

(2.) The business of any justices in relation to the repair of sudden damage to public works shall cease.

Powers of
county
council as to
exceptional
distress.

12.—(1.) Where the guardians of any union satisfy the council of a county that exceptional distress exists in some district electoral division situate both in the union and in the county, and the council apply to the Local Government Board, that Board may, if they think fit, by order authorise the guardians, subject to the prescribed conditions, to administer relief out of the workhouse for any time not exceeding *two months* from the date of the order, to poor persons of any description resident in the said electoral division, and may revoke any such order either wholly or partly or with reference to any particular class of persons.

25 & 26 Vict.
c. 83.

(2.) Section two of the Poor Relief (Ireland) Act, 1862 (which excludes an occupier of more than a quarter of an acre from being relieved otherwise than in the workhouse), shall not apply as regards relief given under this section.

(3.) One *half* of any expenditure incurred in pursuance of an order under this section shall be levied off the county at large; and the council of the county may nominate one of their members who shall be an additional member of the board of guardians for the period fixed by the order.

(4.) The guardians may, with the consent of the Local Government Board, obtain for the purpose of this section temporary advances of such amount and for such period and repayable in such manner as that Board may sanction, and may mortgage their property and funds to secure such advances.

Powers of
county council
as to appointment
of
coroners and
coroners' districts.

13.—(1.) A coroner for a county shall not be elected as heretofore, and on a vacancy in the office of a coroner for a county, the county council shall within *one month* after the vacancy, or

such further time not exceeding *three months* after the vacancy as the Lord Chancellor may allow, appoint a qualified person to the office, and if the county is divided into coroners' districts, assign him a district.

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County Councils.

- 5 (2.) The county council may alter the coroners' districts, and the enactments respecting those districts shall apply as if the county council were the justices assembled in special sessions for that purpose under the direction of the Lord Lieutenant, and the power of the Lord Lieutenant and justices in relation to coroners' districts shall cease.

(3.) The Lord Chancellor may, if he thinks fit, remove any coroner for a county from his office for inability or misbehaviour in the discharge of his duty.

- 15 (4.) The writ de coronatore eligendo shall cease to be issued, but neither the abolition of that writ nor anything else in this section shall alter the jurisdiction of the Lord Chancellor or the High Court or a judge of assize, in relation to the removal of a coroner otherwise than in manner provided by this Act, or in relation to ordering a new election of a coroner.

- 20 (5.) A person who is a coroner for a county shall not be qualified to be elected or to be a county or district councillor in that county.

- 14.—(1.) A county council shall have the same power of making byelaws in relation to their county, or to any specified part or parts thereof, as the council of a borough have of making byelaws in relation to their borough under sections one hundred and twenty-five to one hundred and twenty-seven of the Municipal Corporations (Ireland) Act, 1840, and section two hundred and twenty-four of the Public Health Act, 1878, shall apply to such byelaws:

Power of county council to make byelaws.
3 & 4 Vict. c. 108.
41 & 42 Vict. c. 52.

- 30 (2.) Provided that byelaws made under this section shall not be of any force or effect within any borough.

15. The council of a county shall have the same powers of opposing Bills in Parliament and of prosecuting and defending legal proceedings necessary for the promotion or protection of the interests of the inhabitants of the county, as are conferred on the governing body in any district by the Borough Funds (Ireland) Act, 1888; and that Act shall extend to a county council as if they were a "governing body" and the county were their district: provided that—

Power of county council as to opposing Bills in Parliament and legal proceedings.
51 & 52 Vict. c. 53.

- 40 (a) no approval of voters shall be required for any proceedings under this section; and
(b) this section shall not empower a county council to promote any Bill in Parliament, or to incur or raise any expenses in relation thereto.

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PART I.

County Councils.

Power to transfer to county council powers of local bodies.

16.—(1.) The Local Government Board may, with the consent of the board or body affected, make a provisional order for transferring to a county council business arising in their county under any Act, of any drainage board, or other public body corporate or unincorporate (not being a district council or a board of guardians); and each order shall make such exceptions and modifications and also such provisions for carrying into effect the transfer as appear necessary or expedient.

(2.) Any such business, if arising within two or more counties, may be transferred to the councils of those counties jointly and be administered by a joint committee.

County Boroughs.

Application of Act to county boroughs.

17.—(1.) Each of the boroughs mentioned in the Second Schedule to this Act shall be an administrative county of itself, and be called a county borough.

(2.) The mayor, aldermen, and burgesses of each county borough acting by the council shall, subject as in this Act mentioned, have the powers and duties of a county council under this Act in so far as they have not the same already, and the provisions of this Act with respect to administrative counties shall, so far as circumstances admit, apply in the case of every such borough with the necessary modifications, subject as follows:—

(a.) The local government register of electors shall be the burgess roll, and persons registered therein and no others shall be the burgesses, and the provisions made by or in pursuance of this Act respecting the qualification and mode of election of councillors shall extend as well to the aldermen as to the councillors of a county borough, but save as aforesaid the provisions so made with respect to the constitution, number, duration of office, time of election, or chairman, of the county council, shall not apply.

51 & 52 Vict. c. 53.

(b.) The provisions of this Act relating to main roads, coroners, byelaws, or the Borough Funds (Ireland) Act, 1888, shall not apply.

(c.) The provisions of this Act with respect to compensation for criminal injuries shall apply, although the business has before the passing of this Act been vested in the council of a borough, and as respects Dublin the High Court or any judge thereof shall be substituted in the said provisions for the judge of assize, and that Court and judge, and as respects Cork the judge of assize shall, in addition to the powers conferred on the judge by the said provisions, have the powers hitherto vested in the recorder in relation to such compensation.

PART II.

DISTRICT COUNCILS AND GUARDIANS.

Constitution.

A.D. 1898.

PART II.

District
Councils and
Guardians.County dis-
tricts and
district
councils.1 & 2 Vict.
c. 56.
55 & 56 Vict.
c. 41.Constitution
and election
of district
councils in
county
districts.

18.—(1.) All urban sanitary authorities shall be called urban district councils and their districts shall be called urban districts, but nothing in this section shall alter the style or title of the corporation or council of a borough.

(2.) For every rural sanitary district there shall be a rural district council, whose district shall be called a rural district.

10 (3.) In this and every other Act, unless the context otherwise requires, the expression "district council" shall include the council of every urban district, whether a borough or not, and of every rural district, and the expression "county district" shall include every urban district, whether a borough or not, and every rural district.

(4.) A poor law electoral division, that is to say, an electoral division within the meaning of the Poor Relief (Ireland) Acts, 1838 to 1892, and also, where at the passing of this Act any such electoral division is divided into wards, or combined with any other divisions for the purposes of election, each such ward or combination, shall be called a district electoral division.

19.—(1.) In an urban district the members of the council of the district, and if the district is divided into wards the members for each ward, shall be elected by the local government electors for the district or ward, and in a borough those electors and no other persons shall be the burgesses, and the local government register of electors shall be the burgess roll; but save as expressly provided by this Act, there shall be no change in the constitution, number, duration of office, or chairman, of any such council.

20 (2.) In a rural district—

(a) the district council shall consist of a chairman and councillors;

(b) one councillor shall be elected for each district electoral division by the local government electors for that division;

35 (c) at an election for the district council an elector shall have one vote and no more, and shall not vote at the same election in more than one district electoral division;

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PART II.

District
Councils and
Guardians.

(d) the district councillors shall hold office for a term of *three years*, and shall then retire together, and their places shall be filled by a new election.

(3.) A person shall not be qualified to be elected or to be a councillor of the council of a county district unless he is a local government elector for the district.

(4.) This section shall not apply to a county borough.

Constitution
of guardians.

20. As from the appointed day there shall be no ex officio guardians of a union, and—

(a) in a rural district the district councillor for every district electoral division shall be the guardian for that division; and

(b) in an urban district the guardian for any district electoral division therein shall be elected by the local government electors for that division, subject to the like provisions in the like manner and at the like time as a district councillor for a rural district, and shall be qualified in the like manner and hold office for the same term as such district councillor.

Chairman of
rural district
council or
guardians
and additional
councillors
and
guardians.

21.—(1.) The district council of every rural district—

(a) may annually choose a chairman and, if they think fit, a vice-chairman from among the councillors or persons qualified to be such; and

(b) may, besides the chairman or vice-chairman, choose from persons qualified to be councillors of the district not more than two persons, who shall be additional councillors during the term of office of the council by whom the choice is made.

(2.) A person so chosen by a district council from outside their body as chairman, vice-chairman, or additional councillor shall be a member of the council, and also of the board of guardians of the union comprising the district; but nothing in this section shall alter the power of guardians to choose their chairman and vice-chairman.

Powers of District Councils and Guardians.

Transfer to
district
councils of
business of
baronial
presentment
sessions and
grand jury.

22.—(1.) Subject to the provisions of this Act there shall be transferred—

(a) to the district council of every county district, the business of any baronial presentment sessions so far as respects their district; and

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(b) to the district council of every urban district, so far as respects their district, the business of the grand jury of the county in relation to public works, the maintenance of which is not wholly or partly leviable off the county at large;

5 but the said transfer shall only operate so far as the business is not already the business of the district council.

(2.) A county council shall not without the consent of the Local Government Board, approve of any expenditure on roads proposed by the council of any rural district, which will cause the expenditure
10 on the roads of the district to exceed by *one-fourth* the amount certified by that Board to have been the average expenditure thereon during the *three years* next before the passing of this Act, and the Board may as respects each council consent either for a particular road or a particular year, or generally, and in the latter case may fix
15 a new limit under this section.

(3.) An urban district council shall transact the business transferred to them by this section in the manner prescribed by general rules of the Local Government Board.

(4.) If the council of any urban district, or the council of
20 any adjoining rural district, consider that any contribution should be made by one council to the other in respect of a liability for maintaining any public work heretofore maintained out of money levied off an area comprising the whole or part of both such districts, the councils may agree upon such contribution, and in default of
25 agreement either council may apply to the Local Government Board to order such contribution, and that Board shall deal with the application as a matter of adjustment under this Act.

(5.) The county council and the council of any urban district may at any time agree for the latter council undertaking, upon
30 such terms as may be mutually agreed upon, the maintenance of that portion of any main road which is situate in the urban district.

23. There shall be transferred, subject to the provisions of this Act, to the council of every urban district the business of the guardians
35 as regards making, levying, collecting, and recovering the poor rate within the district.

24. There shall be transferred to the guardians the business of every committee of management of a dispensary district within their union, and those committees shall cease to be
40 appointed.

25.—(1.) There shall be transferred to the district council of every rural district the business of the rural sanitary authority in the district.

A.D. 1898.

PART II.

District
Councils and
Guardians.Transfer to
urban
district
councils of
business of
guardians as
to poor rate.
Transfer to
guardians of
business of
dispensary
committees.Powers of
rural district
councils.

A.D. 1898.

PART II.

District
Councils and
Guardians.41 & 42 Vict.
c. 52.59 & 60 Vict.
c. 54.

(2) Rural district councils shall also have such powers and duties of urban sanitary authorities under the Public Health Acts, or any other Act, and such provisions of any of those Acts relating to urban districts shall apply to rural districts, as the Local Government Board by general order direct; and every such order shall be forthwith laid before Parliament. 5

(3.) The power to make such general order shall be in addition to, and not in substitution for, the power conferred on the Board by section one of the Public Health Act, 1896 (which relates to investing rural authorities with the powers of urban authorities), 10 and that power may be exercised by the Board on the application of a county council.

District and Union Committees.

Appoint-
ment by
district
councils and
guardians of
committees
consisting
partly
of non-
members.

26.—(1.) A rural district council for any purpose of the Public Health Acts, and a board of guardians for the purpose of the admission of paupers to the union workhouse, may appoint for a dispensary district or other part of their district or union a local committee composed either wholly of members of their own body representing that dispensary district or part, or partly of such members and partly of other persons, whether members of their own body or not, resident or interested in the said district or part. 20

(2.) The appointing body may authorise the committee to institute any proceedings or do any act which that body might have instituted or done for the said purpose, except that they shall not authorise the committee to raise any money, nor to expend any money beyond such limit as is fixed by the appointing body, nor to appoint, remove, or alter the remuneration of, any officer. 25

(3.) The same persons may be appointed by any council and board to be a committee under this section of each appointing body in the same area. 30

(4.) A district council, on the application of a committee under this section for any area, may authorise any expenditure, which otherwise would be general expenses under the Public Health Acts, to be incurred by the committee, on condition that the cost of the same is levied as special expenses off such area. 35

Counties of Cities and Towns.

Application
of Act to
counties of
cities and
towns not
county
boroughs.

27.—(1.) Any county of a city or town which does not become a county borough shall, for the purposes of this Act, be situated and form part of the administrative county which it adjoins, or if it adjoins more than one such county, then, such one of those counties as the Local Government Board order.

(2.) The council of the county of which it so forms part shall, in relation thereto, have all the powers and duties of a county council; and any urban district council within the area of such county of a city or town shall have all the powers and duties under this Act of an urban district council; and the provisions of this Act with respect to the business of the grand jury, and presentment sessions, shall apply accordingly.

(3.) Provided that nothing in this section shall deprive the council of a borough of the right to appoint as heretofore a coroner, and that coroner shall be subject in all respects to the law relating to borough coroners.

(4.) Such portion of the county of the town of Carrickfergus as is not at the passing of this Act comprised in an urban sanitary district shall form part of the rural sanitary district constituted by the union in which that portion is situate, and upon the election under this Act of a rural district council, the business of the Municipal Commissioners of Carrickfergus in relation to the said portion shall be transferred to that council, and any question as to the right of the said portion to share in the property vested in those Municipal Commissioners shall, on the application of the rural district council, be dealt with by the Local Government Board as a matter of adjustment under this Act.

A.D. 1908.
PART II.
District
Councils and
Guardians.

Towns not Urban Sanitary Districts.

28.—(1.) Where a town has a population exceeding one thousand five hundred according to the census of the year one thousand eight hundred and ninety-one but is not an urban sanitary district, any order of the Local Government Board constituting such town an urban sanitary district, if made within twelve months after the passing of this Act, shall, unless within one month after the order is published the Board receive a petition against it from at least one fourth of the parliamentary electors registered in respect of qualifications within the town, or from the guardians of the union comprising the town or any part thereof, take effect without the authority of Parliament, and a certificate of the Board that no such petition has been received, and that the order has taken effect, shall be conclusive evidence of those facts.

(2.) An order made after the passing of this Act for constituting a town an urban sanitary district shall contain such provisions as may seem necessary or expedient for adapting the provisions of this Act in respect to public works, and making an adjustment of property, rights, and liabilities.

Orders
making
towns urban
sanitary
districts.

A.D. 1896.

PART III.

Finance.

PART III.

FINANCE.

*Incidence of Rates as regards Areas and establishment of
County, &c. Funds.*

Raising of
guardians'
expenses
equally over
union.

29. Notwithstanding anything in any Act, all expenses of the 5
guardians of a union shall be raised equally over the whole union, and
shall be called union charges, and where a union is divided between
two counties, the total amount to be raised over the union shall be
apportioned between each divided part in proportion to rateable
value, and the amount so apportioned to a divided part shall be 10
raised equally over that part as if it were a separate union.

Raising of
road and
sanitary
expenses in
rural dis-
tricts equally
over rural
district.

30. Notwithstanding anything in any Act, all expenses incurred 15
in relation to the business of the council of a rural district, including
those expenses connected with any public work in the district
which are not leviable off the county at large, shall, subject to the
provisions of this Act with respect to excluded charges, be raised
equally over the whole district, and shall be called district charges.

Raising of
expenses
of county
council
equally over
county or
district.

31.—(1.) The expenses incurred by the council of a county in 20
relation to their business, which are not union or district charges,
nor the excluded charges herein-after mentioned, shall, where no
provision is otherwise made by law, be raised equally over the
whole county, and shall be called county at large charges.

(2.) Where any expenses so incurred by the council of a county 25
may, by virtue of any enactment or any direction given thereunder,
be levied off a barony or other portion of a county, they shall
according as the county council direct, be raised equally over the
whole of the district comprising the barony or portion, or equally
over the whole of the county, and shall be district charges or
county at large charges accordingly.

Raising of
expenses
of urban
district
council.

32.—(1.) The expenses of the council of an urban district, 30
if incurred in meeting the expenses of guardians, shall be defrayed
out of the poor rate, and if incurred in meeting the expenses of the
county council, shall be defrayed out of any rate heretofore
levied by the urban sanitary authority of the district to meet

presentments of the grand jury, and, where no such rate was levied, out of the poor rate.

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PART III.

A. 60000.

(2.) The expenses incurred by the council of an urban district in relation to the business transferred to the council by or in pursuance of this Act or otherwise in the execution of this Act—

(a) if the district is a county borough shall, where the like expenses have heretofore been defrayed out of any rate levied by the council of the borough (other than county cess) continue to be so defrayed, but in any other case shall be defrayed out of the poor rate; and

(b) if the district is not a county borough, shall be defrayed out of the fund or rate out of which the cost of paving and cleansing the streets in such district are or can be defrayed, but shall be excluded in ascertaining any limit imposed by law upon any such rate.

33.—(1.) All receipts of a district or county council, whether from rates levied off the whole or any part of the district or county, or from sources other than rates, shall be paid to the treasurer of the council, and the receipt alone of that treasurer shall be a good discharge to the person paying the same; and subject to the provisions of this Act, all such receipts shall be carried in a county borough to the borough fund, and in any other county or district to the county or district fund, as the case requires, and all payments for any purpose out of any such fund shall be made by the treasurer.

County and
borough and
district fund,
and raising
of deficiency
in county
fund.

(2.) A council shall not directly or indirectly apply any part of such fund, or any moneys under their control, for any purpose not authorised by this or any other Act.

(3.) In the county fund separate accounts shall be kept of all receipts and payments in respect of county at large, union and district charges respectively; and if the moneys standing to the county fund on account of any of those charges are insufficient to meet the sums payable in respect thereof, including the sums required to reimburse the treasurer for sums by law payable by him thereout, the county council shall raise the deficiency in manner provided by this Act by means of the poor rate; and the poor rate shall be levied, where the deficiency is in respect of union or district charges, off the union or district as the case requires, and in any other case off the county at large.

A.D. 1898.

PART III.

Finance.
Payment to
and out of
Local
Taxation
(Ireland)
Account of
agricultural
grant.
59 & 60 Vict.
c. 41.

Agricultural Grant.

34.—(1.) As from the *twenty-ninth day of September* next after the passing of this Act, section one of the Local Taxation (Ireland) Estate Duty Act, 1896, shall be repealed, and there shall be annually paid out of the Consolidated Fund to the Local Taxation (Ireland) Account a sum (in this Act referred to as the agricultural grant) equal to half the amount certified under this Act to be taken for the purpose of this Act as having been raised in the whole of Ireland by poor rate and county cess off agricultural land as herein-after defined during the twelve months ending as regards poor rate on the twenty-ninth day of September, one thousand eight hundred and ninety-seven, and as regards county cess on the last day of June in the same year (which twelve months are respectively in this Act referred to as the standard financial year).

(2.) Such portion of the agricultural grant as is certified under this Act to be payable to each county council, shall be issued by the Lord Lieutenant from the Local Taxation (Ireland) Account to that council half-yearly, subject, nevertheless, to such conditions and provisions as are contained in this Act.

(3.) The first payments under this section to the Local Taxation (Ireland) Account shall be made during the six months ending on the last day of March next after the passing of this Act, so as to make up the sum required to meet the half-yearly payments to the county councils on account of the six months next ensuing on such last day of March, but such half-yearly payments shall not be applied towards the cost of work done or expenses incurred before such six months.

(4.) The provisions of this Act with respect to agricultural land shall extend to every hereditament entered as land in the valuation list within the meaning of the Valuation Acts, but shall not extend to any hereditament situate within the boundary of any borough or of any town which is (for the time being) an urban sanitary district.

35.—(1.) Subject to the provisions herein-after contained with respect to excluded charges, the Local Government Board, on the report of the Commissioner of Valuation, shall, as soon as may be after the passing of this Act, certify as respects the standard financial year,—

(a) the amounts to be taken for the purpose of this Act as having been raised in the whole of Ireland by poor rate and county cess off agricultural land, and off any other hereditaments respectively; and

Certificates
by Local
Government
Board as to
poor rate
and county
cess in
standard
financial
year.

(b) the portion of each of those amounts which is to be taken for the purpose of this Act as having been raised in each administrative county—

(i) in respect of county at large charges; and

(ii) in respect of union charges; and

(iii) in respect of district charges; and

(c) the rate in the pound (in this Act referred to as the standard rate) at which poor rate and at which county cess is respectively to be taken for the purpose of this Act as having been levied off agricultural land, and off other hereditaments respectively, in each union or district, in respect of county at large and union and district charges added together; and

(d) any other matters in relation to the poor rate or county cess levied off agricultural land or other hereditaments, that are required by this Act to be certified, or that may appear to the Board to be required for carrying this Act into effect.

(2.) In estimating the sums to be taken for the purpose of this Act as having been raised in any county, or district, or union, or in estimating the standard rate, all sums raised to meet expenses which if this Act had been in force in the standard financial year would have been raised equally over the whole county or district or union, shall be treated as having been so raised; and where a union is divided between two administrative counties, the amount which would have been apportioned to each divided part shall be ascertained, and treated as having been so raised over a separate union.

(3.) The sum payable to each county out of the agricultural grant shall be equal to *half* the amounts so certified as aforesaid to have been raised in the county off agricultural land, in respect of county at large and union and district charges when added together, and shall be certified accordingly.

(4.) For the purpose of certificates under this section the Local Government Board, on the report of the Commissioner of Valuation, shall determine, in the prescribed manner, the adjustments which are to be made, in consequence of any difference between the authorities or the boundaries of counties unions or other areas, as existing in the standard financial year, and as they will exist after the appointed day, or in consequence of other changes made by or in pursuance of this Act.

(5.) A town which becomes an urban district by virtue of an order made within *twelve months* after the passing of this Act shall be deemed for the purposes of this section to have

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Finance.

been an urban sanitary district in the standard financial year; and where by virtue of any other order respecting the constitution of an urban district any agricultural land in a rural district becomes included within the boundaries of that urban district, the sum payable out of the agricultural grant in respect of union and district charges raised over such rural district shall be reduced by a sum proportionate to the rateable value in the standard financial year of that agricultural land, and the amount of such reduction shall be accumulated in the Local Taxation (Ireland) Account, and be applied in such manner as Parliament directs; but the amount of agricultural grant payable to the council of the county in respect of county at large charges shall not be diminished.

(6.) The Local Government Board and Commissioner of Valuation in acting under this section shall obtain such information and make such inquiries and in such manner as seems fit, and every officer of any local authority shall give the Board and Commissioner such information and reply to such inquiries and in such form as they or he may require.

(7.) The Local Government Board, on the report of the Commissioner of Valuation, may in case of error amend, or for the purpose of meeting any alteration in an area or authority to which a certificate relates vary, a certificate under this section, and any such amendment or variation shall have effect from the date of the original certificate, or any later date fixed by the amending or varying certificate; but, save as aforesaid, a certificate under this section shall be final and binding on all persons.

(8.) Provisional certificates may, if it is thought necessary, be given for enabling the first payments under this Act to and out of the Local Taxation (Ireland) Account to be made before sufficient information has been obtained to enable final certificates to be given.

Method of raising Expenses.

36.—(1.) The money required to meet the expenses of a rural district council or of a board of guardians shall be supplied by the county council upon the prescribed demand by the district council or board; and the county council shall pay the money so demanded out of the county fund.

(2.) The county council shall apportion every amount to be raised for county at large charges, and every amount to be raised for union charges, between any urban district situate in the county or union, and the rest of the county or union, in proportion to rateable

Raising of expenses of district councils, guardians, and county councils by poor rate, and deduction of agricultural grant.

value, and any amount so apportioned to an urban district shall be paid by the council of that district to the county council upon the prescribed demand.

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Finance.

(3.) The county council shall divide the amount which is not so apportioned to an urban district and is to be raised either for county at large or union charges, and every amount which is to be raised for district charges, between the agricultural land in the county union or district and the other hereditaments therein, in proportion to rateable value.

(4.) There shall be deducted from the amount assigned upon such division to the agricultural land the sum payable out of the agricultural grant to the council—

(a) where the amount is to be raised for county at large charges, then in respect of county at large charges; and

(b) where the amount is to be raised for union or district charges, then in respect of union or district charges in that union or district;

as certified for the standard financial year, and the balance remaining after that deduction shall be the amount to be levied off the agricultural land in respect of the amount so assigned thereto.

(5.) The council shall raise the several amounts apportioned as above mentioned to any part of the county which is not an urban district by means of the poor rate, and shall make that poor rate twice a year, and every demand note in respect of that rate shall specify approximately the respective rates in the pound required to raise the several amounts above mentioned, and the rates in the pound to which the sums deducted in respect of the agricultural grant amount.

(6.) Such poor rate shall be made either immediately prior to or at the beginning of, the first six months of the local financial year and the second six months of that year, and so far as it is not made for sums to meet guardians' expenses, shall be made in respect of the service of such first six months or second six months, as the case may be, and so far as it is made to meet expenses of guardians shall be made in respect of the liabilities and requirements proper to be provided for during such first six months or second six months as the case may be;

Provided that, in the case of poor rate made to meet expenses other than guardians' expenses—

(a) the rate may be made retrospective in order to raise money for the payment of expenses incurred before the passing of this Act, or expenses which became payable within six months

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next before the period for the service of which the rate is made; and

- (b) where a person recovers judgment or obtains a decree in any court for a sum which originally became payable six months or more before the said period, and the court certifies 5 that such person has used due diligence for enforcing his claim, and directs the judgment or decree to be satisfied out of the poor-rate, then, but not in any other case, the judgment or decree may be executed, and the poor rate may be made retrospective in order to raise money to satisfy that 10 judgment or decree.

(7.) This section shall apply, with the necessary modifications—

- (a) to the making of a poor rate by the council of a county borough or other urban district; and

- (b) to a county borough so far as regards the demands of a 15 board of guardians, and the money required to meet those demands or to meet expenses of the council of the borough which under this Act are to be defrayed out of the poor rate.

Incidence
of poor rate
as between
occupier
and landlord.
6 & 7 Vict.
c. 92.

37.—(1.) The poor rate shall be made upon the occupier and not the landlord of a hereditament, except where under section 20 four of the Poor Relief (Ireland) Act, 1848, it is made on the landlord as the immediate lessor of a house let in separate apartments or lodgings.

(2.) The occupier of a hereditament shall not be entitled to deduct from his rent any part of the poor rate, and any contract 25 to the contrary respecting such deduction shall be void; subject nevertheless to the exceptions in this Act and to the provisions herein-after contained respecting occupiers under existing tenancies.

Consideration by Land
Commission
of poor rate
in fixing
future
fair rents.

38. After the appointed day the Irish Land Commission shall fix the fair rent for a holding on the assumption that there has 30 been no decrease or increase of the rate in the pound of poor rate as compared with the total rate in the pound to which the standard rate for poor rate and county cess as certified under this Act, when added together, amount, and that the tenant is to have any benefit from the agricultural grant given in respect of the county cess 35 and that the landlord is to have any benefit from the agricultural grant given in respect of the poor rate.

Rates of
urban district
councils
and power
to consolidate
rates.

39.—(1.) Where an urban district council independently of this Act—

- (a) can make any rate in respect of any hereditament upon the 40 landlord or immediate lessor, and not on the occupier of the

hereditament, such rate shall be made on the occupier of the hereditament, except where it is a house let in separate apartments or lodgings; or

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PART III.

Finance.

- (b) can raise a sum by a rate upon the same basis as the poor rate, that sum may be raised by means of the poor rate, but as a separate item thereof, and the provisions of this Act with reference to the deduction of any part of the poor rate from rent or to the fixing of fair rents shall not apply as respects that item; or
- (c) can make more than one rate upon the same basis, but on a basis different from that of the poor rate, such rates may be consolidated and made, levied, collected, and recovered as one rate, and be made half-yearly, but the demand note shall specify the amount in the pound required for each such rate.
- (2.) "The same basis" in this section means the same property, the same rateable value, and subject to the same exemptions.

Excluded Charges.

- 40.—(1.) In estimating the sums raised by county cess, and estimating the standard rate, the Local Government Board on the report of the Commissioner of Valuation shall exclude such amount as they determine is to be taken as having been raised during the standard financial year in any area for the purpose—

Special provision as to charges for police and compensation for criminal injuries.

- (a) of expenses in relation to additional constabulary under the Constabulary (Ireland) Acts, 1836 to 1885; or
- (b) of compensation for criminal injuries as before defined; and the amount so excluded is in this Act included in the expression "excluded charges."

6 & 7 Wm. 4. c. 13.;
48 & 49 Vict. c. 12.

- (2.) The amount required to meet any charge in connexion with such expenses or compensation shall be separately estimated and raised by means of the poor rate, but as a separate item thereof, and the provisions of this Act with respect to raising expenses and to the poor rate shall apply with the necessary modifications; Provided that—

- (a) the provisions with respect to the division between agricultural land and other hereditaments, and the deduction in respect of the amount assigned to agricultural land, shall not apply; and
- (b) the amount may be raised as heretofore off any area though less than a district or union, and for that purpose there shall be a separate account in the county fund.

- 41.—(1.) In estimating the sums raised by poor rate and county cess, and in estimating the standard rate, the Local Government

Special provisions as to charges for

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PART III.

Finance.

railways,
harbours,
navigations,
and public
health.45 & 47 Vict.
c. 42.53 & 53 Vict.
c. 66.53 & 54 Vict.
c. 62.59 & 60 Vict.
c. 34.9 & 10 Vict.
c. 3.29 & 30 Vict.
c. 45.45 & 46 Vict.
c. 62.46 & 47 Vict.
c. 23.50 & 51 Vict.
c. 37.43 Vict. c. 4.
43 & 44 Vict.
c. 14, 44.5 & 6 Vict.
c. 89.20 & 21 Vict.
c. 33.41 & 42 Vict.
c. 52.

Board on the report of the Commissioner of Valuation shall exclude such amount as they determine is to be taken as having been raised during the standard financial year, in any area for the purpose—

(a) of any railway or harbour charge, that is to say, any charge in connexion with—

(i.) any railway or tramway under the Tramways and Public Companies (Ireland) Act, 1883, the Light Railways (Ireland) Act, 1889, or the Light Railways (Ireland) Act, 1890, or any special Act, whether public or local; or

(ii.) any railway or means of communication under the Railways (Ireland) Act, 1896; or

(iii.) any harbour, pier, or quay, under the Fisheries (Ireland) Act, 1846, the Piers and Harbour (Ireland) Act, 1866, the Public Works Loans Act, 1883, the Sea Fisheries (Ireland) Act, 1883, or the Public Works Loans Act, 1887, or under any special Act, whether public or local; or

(iv.) any charge in connexion with any work under the Relief of Distress (Ireland) Act, 1880, and the Acts amending the same; or

(b) of any navigation or public health charge, that is to say, any charge in connexion with—

(i.) navigation works under the Drainage and Navigation (Ireland) Acts, 1842 to 1857, or any special Act whether public or local; or

(ii.) special expenses leviable off a contributory place in a rural sanitary district, either under the Public Health Acts or under any enactment directing expenses to be levied as expenses under those Acts;

and the amount so excluded is in this Act included in the expression "excluded charges."

(2.) The amount required to meet payments in respect of any railway or harbour charge, or any navigation or public health charge, shall be separately estimated and raised by means of the poor rate, but as a separate item thereof, and the provisions of this Act with respect to raising expenses and to the poor rate shall apply with the necessary modifications;

Provided that—

(a) the provisions with respect to the division between agricultural land and other hereditaments and the deduction in respect of the amount assigned to agricultural land shall not apply; and

(b) the amount may be raised as heretofore off any area though less than a district or union, and for that purpose there shall be a separate account in the county fund.

(3.) The provisions of this Act with reference to the fixing of fair rents shall not apply in the case of any item of the poor rate raised under this section.

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PART III.

Finance.

Licence Duties and Local Grants.

5 42.—(1.) *After the thirty-first day of March next after the passing of this Act there shall be annually paid out of the Consolidated Fund to the Local Taxation (Ireland) Account—*

Payment of proceeds of local taxation licences and of 78,000*l.* annually to Local Taxation (Ireland) Account and payments thereon in lieu of local grants, 31 & 32 Vict. c. 41.

- (a.) *A sum equal to the amount which is ascertained in manner provided by the regulations of the Treasury to be the proceeds, in the previous financial year, of the duties collected in Ireland by the Commissioners of Inland Revenue on the local taxation licences specified in the Third Schedule to this Act, and such amount shall be ascertained in like manner as under section*
 10 *twenty of the Local Government Act, 1888; and*
 15 (b.) *An annual sum of seventy-nine thousand pounds.*

(2.) Whereas by reason of this section certain grants heretofore made out of the Exchequer in aid of the rates will cease, the Lord Lieutenant shall cause to be paid in respect of every local financial year, out of the Local Taxation (Ireland) Account, at such times and by such payments as he may direct, the following sums, namely,—

- (a) to each county council on behalf of the guardians of every union the following amounts towards the salaries approved by the Local Government Board of the following officers, namely,
 25 (i.) *one-half* of the said salaries of the medical officers of the workhouse and dispensaries in respect of their duties under those guardians; and
 (ii.) *one-half* of the said salary of one trained nurse in each workhouse who is actually employed and possesses the prescribed qualifications; and
 30 (iii.) the whole of the said salaries of schoolmasters and schoolmistresses in the workhouses,
 and also *one-half* of the cost of such medicines and medical and surgical appliances as are provided in accordance with the prescribed conditions; and
 35 (b) to each county council on behalf of every rural district in the county, and to each urban district council, *one-half* of the salaries approved by the Local Government Board of sanitary officers in respect of their duties under the district
 40 council; and
 (c) to each county council who satisfy the Lord Lieutenant that they have fulfilled their duty with respect to accommodation and buildings for lunatic poor and that their lunatic asylum is well managed and in good order and condition, and the

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PART III.

Finance.

lunatics therein properly maintained and cared for, sums at the rate for each lunatic in the asylum for whom the net charge upon the council (after deducting any amount received by them for his maintenance from any source other than poor rate) is equal to or exceeds *four shillings* a week throughout the period 5 of maintenance for which the sum is calculated, of *one-half* of such net charge, or *four shillings* a week, whichever is least.

(3.) Where a union is situate in two counties, the amount payable as aforesaid on behalf of the guardians of the union shall be divided between the counties in the proportion in which 10 the expenses of such guardians are divided.

(4.) Where the poor rate made and levied in any area by a county council in any local financial year in order to meet any railway or harbour charge connected with any guarantee given or transaction occurring before the *passing of this Act*, or to meet 15 two or more such charges when added together exceeds, or would but for the payments herein-after mentioned exceed, sixpence in the pound, the Lord Lieutenant may pay to the county council out of the sum paid under this section to the Local Taxation (Ireland) Account a sum equal to *one-half* of such excess to be applied by 20 that council in reduction of the said amount.

(5.) If the amount paid under this section to the Local Taxation (Ireland) Account is insufficient to meet the sums payable thereout under this section, those sums shall be proportionately abated as directed by the Lord Lieutenant, but if the amount exceeds the 25 sums so payable, the excess shall be accumulated and applied to meet any future deficiency, and subject thereto be applied in such manner as Parliament directs.

(6.) All sums paid to the Local Taxation (Ireland) Account under this section shall form part of the contingent portion of the 30 guarantee fund under the Purchase of Land (Ireland) Act, 1891.

54 & 55 Vict.
c. 48.

General.

General
provisions
as to pay-
ments out of
Consolidated
Fund and
as to Local
Taxation
(Ireland)
Account.

43.—(1.) All sums directed by this Act to be paid out of the Consolidated Fund shall be charged on and paid out of the Con- solidated Fund of the United Kingdom or the growing produce 35 thereof at such times and by such instalments as the Treasury direct.

(2.) The Treasury may make regulations respecting the accounts of the receipts and expenditure of the Local Taxation (Ireland) Account, and for carrying into effect the provisions of this Act with respect to such Account and in particular for carrying to separate 40 credits the several sums payable under this or any other Act to that Account, and for the accumulation of sums directed to be accumulated, and for the audit of the said accounts; and such regulations shall be duly observed.

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PART IV.

Boundaries.

PART IV.

BOUNDARIES.

44.—(1.) The first council elected under this Act for a county shall, subject as herein-after mentioned, be elected for the county as bounded at the passing of this Act for the purposes of the grand jury (in this Act referred to as the existing judicial county), or where such county is for those purposes divided into ridings, for the riding: Provided that the Local Government Board, by order made within *six months* after the passing of this Act, may alter for the purpose of the election of such council the boundaries of any existing judicial county, and in the case of Cork divide the same into two ridings, and if that order is made, the first council shall be elected for the county as so altered, and for each riding of Cork as if it were a separate county.

Boundaries
of counties,
unions,
rural dis-
tricts, and
district
electoral
divisions.

(2.) The county council shall have for the purposes of this Act authority throughout the county for which it is elected (in this Act referred to as an administrative county), and that county as bounded for the purpose of the first election shall, subject to alterations made in pursuance of any Order in Council under Part VI. of this Act, be for all the purposes of this Act the county of such county council.

(3.) In exercising their powers under this Act or any Order in Council made under Part VI. of this Act, or their existing powers to alter by order the boundaries of unions, the Local Government Board shall secure that—

(a) the boundaries of counties and unions as existing at the date of the order shall be preserved so far as conveniently may be;

(b) a union shall not in any case be divided between more than two counties; and

(c) where a union is so divided between two counties, the area of each divided part shall be of sufficient size to constitute a suitable rural district; and

(d) a district electoral division shall be situate wholly in one county district; and

(e) a county district shall be situate wholly in one county.

(4.) Where a union is divided between two counties, each divided part, so far as it is not contained in an urban sanitary district, shall be a separate rural sanitary district.

A.D. 1898.

PART IV.

Boundaries.

(5.) The power of the Local Government Board to divide a district electoral division into wards, or to combine district electoral divisions for the purpose only of election, shall cease, without prejudice to their general power of combining or otherwise altering district electoral divisions.

5

Boundaries
of counties
for judicial
and militia
purposes.

45. A place which, for the purposes of this Act, is a part of an administrative county shall, subject as in this section mentioned, form part of that county for all other purposes, whether assizes, sheriff, lieutenant, custos rotulorum, justices, general, quarter, or petty sessions, jurors, militia, coroner, clerk of the peace, or other county officers, or otherwise, and a sheriff and lieutenant for the counties of the cities of Belfast and Londonderry may accordingly be appointed in like manner as for any other county, and a sheriff and lieutenant shall cease to be appointed for those counties of cities and towns which under this Act do not become county boroughs.

15

Provided that—

(a) each of the entire counties of Cork and Tipperary shall continue to be one county for the said purposes so far as it is one county at the *passing of this Act*; and

(b) nothing in this Act, nor anything done in pursuance of this Act, shall alter the limits of any parliamentary borough or parliamentary county within the meaning of the Parliamentary Registration (Ireland) Act, 1885.

48 & 49 Vict.
c. 17.

PART V.

SUPPLEMENTAL.

As to the Powers of County and District Councils.

A.D. 1889.

PART V.

Supplemental.
Powers.

General provisions as to transfer of business to county and district councils.

Adaptation to county and district councils of 60 & 61 Vict. c. 43.

Adaptation of 55 & 56 Vict. c. 42, 52 & 53 Vict. c. 76, and 54 & 55 Vict. c. 4.

Adaptation of Acts as to the persons entitled to petition for charter or vote as to adoption of Act.

Provision for charnels and harmless latrines.

46.—(1.) Any council, board, or court shall, as respects the
5 business by this Act transferred to them from any authority, be
subject to the provisions and limitations affecting them, whether
in this Act or in any Order in Council made under Part VI. of
this Act, but save as aforesaid, shall have all the powers and
duties of the authority in respect of the business transferred.

10 (2.) There shall be transferred to the county and district council,
respectively, in relation to any business transferred to that council,
all the powers and duties under any Act of any officer of such
council other than the treasurer in relation to that business.

47. In the application of the Military Manœuvres Act, 1897, to
15 Ireland, the council of each county, county borough, and district
shall be construed to mean the council elected in pursuance of this
Act, and the references to the council of a parish shall not apply;
and sub-sections one and two of section nine of that Act (which
substitute boards of guardians for county councils and exclude
20 county boroughs) shall be repealed.

48.—(1.) In the Irish Education Act, 1892, the expression
"baronial council" shall mean rural district council, and the
expression "local rate" shall mean the rate out of which the
expenses of the execution of this Act by a county or district
25 council, as the case may be, are defrayed.

(2.) In the application of the Technical Instruction Acts, 1889
and 1891, to the council of a county other than a county borough
the expression "local rate" shall mean the poor rate, and the
expenses of a county council under those Acts shall be county at
30 large or district charges according as that council direct.

49. The local government electors of any town or other area shall
be the persons entitled to petition for a charter, or to petition,
present a memorial, or vote respecting the adoption of any Act
or enactment capable of being adopted for such town or area, and
35 shall be so entitled in substitution for the persons who, under any
enactment, are entitled so to petition or vote, except where the
persons so entitled are a council under this Act. And where a poll
is taken with reference to such adoption, it shall be taken by ballot,
in accordance as near as may be with the ballot taken at the
40 election of a council under this Act.

50.—(1.) The council for a county may, either by the exercise
of their powers under this Act, or by taking over any workhouse for
[89.]
D 2

A.D. 1898.

PART V.

Supple-
mental
Powers.

the purpose, provide an auxiliary lunatic asylum for the reception of chronic lunatics who, not being dangerous to themselves or others, are certified by the resident medical superintendent of an asylum of such council not to require special care and treatment in a fully equipped lunatic asylum; and any such auxiliary lunatic 5 asylum shall either be a separate asylum within the meaning of the Lunatic Asylum Acts, or if the Lord Lieutenant so directs, a department of such an asylum :

Provided that the sum payable out of the Local Taxation (Ireland) Account in respect of the net charge for any lunatic therein may be 10 paid when the net charge equals or exceeds *three shillings and sixpence* a week, but that sum shall not exceed *two shillings* a week.

(2.) The Local Government Board, on the application of a county council and after communication with the guardians concerned, may by amalgamating unions provide for placing a workhouse at the 15 disposal of the council for the above purpose, and may dispose of the workhouse for that purpose.

38 & 39 Vict.
c. 67.

(3.) Where an auxiliary asylum is so provided for any county, section nine of the Lunatic Asylums (Ireland) Act, 1875 (which relates to sending lunatics to a workhouse), shall cease to apply as 20 respects that county.

(4.) This section shall apply with the necessary modifications to a lunatic asylum district comprising two or more counties.

Relative
position of
district
council and
guardians.

51.—(1.) Where a rural district is co-extensive with a union—

(a) the district councillors shall, when exercising the duties of 25 guardians, continue to be a board of guardians under their existing name, and when exercising the duties of a district council shall be a district council under the name given by or in pursuance of this Act; and

(b) matters affecting the board of guardians shall not by reason 30 only of the members thereof forming also a district council affect that council, and matters affecting the district council shall not by reason only of the members thereof forming also a board of guardians affect that board; and

(c) the meetings and business of the board and council may be 35 held and transacted at the same place; and

(d) subject to the express provisions of this section the Local Government Board may make regulations as to the property held jointly or severally by the council and the board.

(2.) Where a rural district is comprised in but not co-extensive 40 with a union, the council for the district shall be entitled, under the prescribed conditions, to use the board-room and offices of the guardians of the union for their meetings and business.

*Imperative Presentments, Mandamus, and duty of
maintaining Works.*

A.D. 1898.

PART V.

Supple-
mentary
Powers.Imperative
present-
ments.

52.—(1.) Where the payment of a sum by any county or district council, or by the treasurer of such council or other officer of the council on behalf of the council, is ordered by a judge of assize, or is required, either to comply with any enactment, or to meet either a judgment or decree of any competent court, or an order for the payment or collection of any money made by the Lord Lieutenant in pursuance of any Act, the treasurer of the council shall pay the same out of moneys under his control as such treasurer, and, if those are insufficient, out of the first moneys coming under his control as treasurer, and such payment may, to the extent of any such moneys, be enforced against such treasurer in like manner as it might be enforced against the council.

(3.) Where any such sum is due to the Crown or any Government department, the amount thereof may be deducted from any sums payable from the Local Taxation (Ireland) Account directly or indirectly to the council by whose treasurer the first mentioned sum is payable, and be paid into the Exchequer in discharge of that sum, and where the sum was due from a district council, the county council shall debit that district council with the amount so deducted: Provided that this enactment shall be without prejudice to the guarantee fund under the Purchase of Land (Ireland) Act, 1891.

54 & 55 Vict.
c. 48.

53. Where a mandamus is issued by the High Court to any county or district council, and the council fail to comply therewith, the Court may appoint an officer, and confer on him all or any of the powers of the defaulting council which appear to the Court necessary for carrying into effect the mandamus.

As to en-
forcing
mandamus.

54.—(1.) It shall be the duty of every county and district council, according to their respective powers, to keep all public works maintainable at the cost of their county or district in good condition and repair, and to take all steps necessary for that purpose: Provided that this enactment shall not prevent a presentment for stopping up an old road under section sixty of the Grand Juries Act, 1836, but such presentment shall be of no effect unless approved by the Local Government Board.

Duty of
county and
district
council to
maintain
works.6 & 7 WIL 4.
c. 116.

(2.) If any district council complain that a county council, or any county council complain that a district council, have failed to perform any such duty as aforesaid, the complaining council may, without prejudice to any other remedy, appeal to the Local Government Board, and section fifteen of the Public Health Act, 1896, shall apply, with the necessary modifications, in like manner as where default is made by a sanitary authority.

59 & 60 Vict.
c. 54.

A.D. 1898.

PART V.

*Supple-
mental.
Powers.*

(3.) Where a county council refuse at two successive quarterly meetings to approve of any new public work submitted by a rural district council, the cost of which is to be levied wholly off that district, or fail to execute such work, the rural district council may appeal to the Local Government Board, and if that Board consider 5 that such new work ought to be executed, they may order the county council to execute the same, and if the county council make default in complying with the order, section fifteen of the Public Health Act, 1896, shall apply with the necessary modifications in like manner as where default is made by a sanitary authority. 10

(4.) The provisions of the Grand Juries Acts with respect to memorials, other than memorials by a grand jury, shall be repealed, and the provisions of those and any other Acts with respect to traverse shall be repealed, so far as they relate to business transferred by this Act to a county or district council. 15

*Officers.*Officers
of county.

55.—(1.) As respects the officers of the county council, the council of a county other than a county borough, subject to the provisions herein-after contained—

(a) shall under the Grand Juries Acts appoint the secretary of the 20 council (who shall act as the clerk of the council), the treasurer of the county (who shall be treasurer of the council), and the county surveyor; and

(b) may appoint such assistant surveyors and such further officers as they think necessary for the performance of the 25 duties of the council;

and every officer so appointed shall perform such duties and, subject to any statutory limits, be paid such remuneration as the council may assign to him.

(2.) A county council may provide for the performance by a 30 deputy of the duties of any officer in case of his illness, absence, or incapacity, and anything required by law to be done by, to, or before the officer may, subject to the directions of the council, be done by, to, or before such deputy.

(3.) Without prejudice to the enactments respecting the security 35 by the treasurer when a banking company, the county council shall take from any other officer who receives or pays any money on behalf of the council such security as may be approved by the Local Government Board.

(4.) Where any part of the salary of an officer of a county 40 council is paid out of money provided by Parliament, or from the Local Taxation (Ireland) Account, he shall not be appointed or removed, nor shall his salary be fixed or altered without the

A.D. 1868.

PART V.

Supple-
mental
Officers.

concurrence of the Local Government Board, and he shall have such qualifications (if any) as may be prescribed; and for the purpose of this enactment part of the payment to every county council out of the agricultural grant shall be deemed to be paid in respect of
5 part of the salary of the secretary of the county council, and of the county surveyor, and of any assistant surveyor. The Local Government Board shall also have the same power as regards collectors of the poor rate appointed by the county council and their accounts as they would have if those collectors had continued
10 to be officers of the guardians.

(5.) Save as otherwise provided by this Act, the county council may remove any of their officers.

(6.) There shall be transferred from the clerk of the union to the secretary of the county council (including in a county
15 borough the town clerk), all powers and duties in relation to the registration of electors, or to jurors' lists.

(7.) The secretary of the county council (including in a county borough the town clerk) shall send to the Lord Lieutenant or the Local Government Board such returns and information as may from time
20 to time be required by either House of Parliament or by that Board.

(8.) The Lord Lieutenant may, if he thinks fit, direct the assistant surveyors to be examined and their qualifications certified by the persons who examine, and certify the qualifications of, the county surveyor.

25 (9.) A paid officer in the permanent employment of a county council who is required to devote his whole time to such employment shall not be eligible to serve in Parliament.

(10.) The enactments relating to the superannuation of officers
of boards of guardians shall, with the necessary modifications, apply
30 to officers of county and rural district councils other than the county surveyor and any officer of a county borough.

(11.) This section shall be without prejudice to the provisions of this Act respecting existing officers.

56.—(1.) Subject to the provisions herein-after contained, the
35 county council acting through their committee—

(a) shall appoint for each lunatic asylum a resident medical superintendent and at least one assistant medical officer; and

(b) may appoint such other officers as they consider necessary; and every officer so appointed shall perform such duties and be paid
40 such remuneration as the council may assign to him.

(2.) Every resident medical superintendent shall be a legally qualified medical practitioner of not less than seven years standing, and shall have had experience in the treatment of the insane, and

Officers of
lunatic
asylum.

A.D. 1898.

PART V.

Supple-
mental
Officers.53 & 54 Vict.
c. 31.Officers of
rural district
councils and
guardians.51 & 52 Vict.
c. 42.Obligation
of county
and other
local officers.Special pro-
visions as to
qualifica-
tions and
elections.
See 1 & 2
Vict. c. 58,
s. 19.

every assistant medical officer shall be a legally qualified medical practitioner.

(3.) The Pauper Lunatic Asylums (Ireland) (Superannuation) Act, 1890, shall apply to every officer appointed under this section.

(4.) The provisions of this Act respecting officers of the county council shall, subject as aforesaid, apply to the officers appointed under this section, as well in a county borough as in any other county, and the grant paid out of the Local Taxation (Ireland) Account for lunatics shall be deemed to be paid in respect of a part of the salary of any resident medical superintendent and assistant medical officer.

(5.) This section shall be without prejudice to the provisions of this Act respecting existing officers.

57.—(1.) The clerk of the union shall be the clerk of the council of every rural district comprised in the union, except where the Local Government Board authorise such council to appoint a separate clerk, in which case the council may appoint a clerk with such salary as that Board approve.

(2.) The portion of the salary of the clerk of the union which is to be paid in respect of his duties as clerk of any rural district council shall be determined by the Local Government Board.

(3.) Subject as aforesaid, the Local Government Board may make rules as to the employment of the same officers by the council of a rural district and the guardians of the union comprising that district.

(4.) The additional salary granted to the medical officer of a dispensary district by reason of his being (under section eleven of the Public Health Act, 1878) medical officer of health of any sanitary district shall be paid by the council of the latter district.

58. Where by or in pursuance of this Act or any Order or rules made thereunder by the Lord Lieutenant in Council or the Local Government Board, any officer paid out of the poor rate or any other local rate or cess is required to perform any duty, make any return, give any information, or do any other thing, and fails or refuses so to do, he shall be liable to a fine not exceeding *forty shillings*, or in the case of any continuing offence, not exceeding *forty shillings* a day during the continuance of the offence, and any such fine may be recovered as a Crown debt, or to an amount not exceeding *one hundred pounds*, before a court of summary jurisdiction.

Miscellaneous.

59.—(1.) A person being in holy orders or being a regular minister of any religious denomination shall not be eligible as a county or district councillor,

(2.) So much of any enactment, whether public or local, as requires a member of the council of a borough, or of an urban or rural sanitary authority or board of guardians, to have any property qualification, or to have any other qualification than that of being a local government elector, shall be repealed.

A.D. 1868.

PART V.

Supplemental.
Miscellaneous.

(3.) Casual vacancies in any county council (not being a county borough) or in any rural district council shall be, as soon as may be, filled by the council.

See 53 & 53
VICT. c. 50.
s. 8 (2).

(4.) The election of county and rural district councillors shall be held together, and each district electoral division shall be a polling district, and the ordinary day of election shall be the first day of May, or such day not more than seven days earlier or later than that day as may be fixed by the county council with respect to their county.

(5.) The ordinary day of election of urban district councillors shall be the twenty-fifth day of November.

60.—(1.) The local government register of electors in an urban district shall be completed and on sale to the public on or before the tenth day of November in every year, and shall come into force upon the fifteenth day of November, and continue in force until the next fourteenth day of November.

Registration
of electors.

(2.) The local government register of electors as regards every other part of Ireland shall be completed, and on sale to the public, and come into operation on the same day as the parliamentary register of electors, and shall continue in force for the same period.

(3.) Rules under the Registration (Ireland) Act, 1898, may be made for carrying into effect the provisions of this Act with respect to local government electors, and in particular for adapting the Registration Acts to the provisions of this Act and Orders in Council made thereunder; and so much of the said Act of 1898 as requires the rules to be made before the end of the year one thousand eight hundred and ninety-eight, shall be repealed.

(4.) The sums payable to the Exchequer under the Registration (Ireland) Act, 1898, shall be paid by the several county councils in lieu of the guardians.

(5.) In this Act, and in every Act hereafter passed, the expression "local government register of electors" shall, unless the context otherwise requires, mean, as respects any county, or borough, district, electoral division, ward, or other area in Ireland, the

[89.]

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A.D. 1896.

PART V.

Supple-
mental.
Miscel-
laneous.Powers of
Lord Lieu-
tenant and
Local Go-
vernment
Board.

register of parliamentary electors, or the portion of that register which relates to such county, or borough, district, electoral division, ward, or other area, together with the local government supplement.

61.—(1.) Nothing in this Act shall affect any powers of the Local Government Board with respect to guardians or the officers of guardians; and that Board may, on the application of any council, exercise in relation to the council and the officers of the council all such powers of holding enquiries on oath and deputing any officer of the Board to attend at the meetings of the council as they are by law empowered to exercise in the case of guardians and their officers.

(2.) Where the Lord Lieutenant or the Local Government Board is authorised to make an order under this Act, such order may be enforced by mandamus.

(3.) Any difference which under any enactment applied by an Order in Council under this Act can be referred to the High Court may, if the parties to such difference so agree, be referred to and decided by the Local Government Board.

(4.) A Provisional Order made under this Act shall be of no effect until confirmed, and save as otherwise provided, until confirmed by Parliament, and sections two hundred and fourteen and two hundred and fifteen of the Public Health Act, 1878, shall, with the necessary modifications, apply for the purpose of any such Order.

PART VI.

ORDERS AND RULES.

A.D. 1898.

PART VI.

Orders and Rules.

Application with adaptations by Order in Council of English and Scotch enactments respecting supplemental provisions.

62.—(1.) There shall apply to Ireland so much as the Lord Lieutenant by Order in Council declares applicable of the English and Scotch enactments specified in the Fourth Schedule to this Act and the enactments amending the same, being enactments relating to —

- (a) the elections of county and district councils and guardians; and
- 10 (b) the disqualification of persons for being members of a county or district council, and of members of any such council and their partners for appointment to an office; and
- (c) the incorporation of county and district councils;
- (d) the property, funds, and expenses of county and district councils;
- 15 (e) the annual budget, accounts, audit, and local financial year;
- (f) borrowing by county councils;
- (g) transfer of powers from the Treasury in relation to borrowing, and to the acquisition and disposition of land by councils of boroughs;
- 20 (h) the alteration of boundaries by orders of the Local Government Board; and the adjustment of property, income, debts, liabilities, and expenses for the purposes of this Act, or any Order made or thing done in pursuance of this Act;
- 25 (i) local enquiries by the Local Government Board;
- (j) the construction of enactments relating to business transferred by this Act;
- (k) proceedings and committees of county and district councils, and the chairman and vice-chairman thereof; and
- 30 (l) the powers of the Local Government Board for the purpose of remedying defects, and bringing the Act into full operation upon the commencement thereof.

(2.) An Order in Council under this section may—

- (a) apply any of the said enactments to both county and district councils, notwithstanding that they relate to county councils only or to district councils only; and
- 35

[89.]

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A.D. 1868.

PART VI.

Orders and
Rules.Order in
Council for
adapting
Irish
enactments.Order in
Council for
regulating
procedure
of councils,
and making
transitory
provisions
for bringing
Act into
operation.General
provisions

(b) make such adaptations of the said enactments as appear necessary or expedient for carrying into effect the application thereof to Ireland; and

(c) make the like adaptations of local Acts which contain provisions to the same effect as any of the said enactments. 5

63. The Lord Lieutenant by Order in Council may make such adaptations of the Irish enactments specified in the Fifth Schedule to this Act, or of other enactments affected by this Act, as appear to him necessary or expedient for carrying into effect this Act or any Order in Council made thereunder; and for that purpose 10 may modify the provisions in the Valuation Acts as to dates and mode of procedure, and as to levying a rate pending an appeal.

64. The Lord Lieutenant by Order in Council may do all or any of the following things, that is to say—

(1.) Regulate the procedure of county and district councils in 15 connection with the business transferred to them by this Act from presentment sessions and grand juries:

(2.) Regulate the procedure in the county court and before the judge of assize respecting compensation for criminal injuries; and 20

(3.) Make such transitory provisions as appear to him necessary or expedient for bringing this Act into operation, and in particular

(i.) for regulating the actions of guardians and grand juries and presentment sessions during the period between the 25 *passing of this Act* and the time at which this Act comes into full operation; and

(ii.) for the first elections, and for the retirement and first meetings and proceedings of councillors and aldermen elected at the first elections; and

(iii.) for regulating the continuance in or retirement from 30 office of the members of any existing local authority affected by this Act.

(iv.) for enabling the Local Government Board to adjust any property, income, debts, liabilities, and expenses of 35 any area or local authority, or any other matter, which requires adjustment, in consequence of this Act, or any order made or thing done in pursuance of this Act within *twelve months* after the passing thereof.

65.—(1.) An Order of the Lord Lieutenant in Council under 40 this Part of this Act, shall, save as herein-after mentioned, be

made before the last day of January next after the passing of this Act, and unless annulled as herein-after mentioned shall be deemed to have been duly made, and to be within the powers conferred by this Act, and no objection to the validity thereof shall

A.D. 1898.

PART VI.

Orders and Rules.

and restrictions as to Orders in Council.

5 he taken in any proceedings.

(2.) The Order shall be laid before both Houses of Parliament as soon as may be after it is made, and if within the next subsequent *forty days* on which either House has sat, that House presents an address to Her Majesty praying that any such Order may

10 either in whole or in part be annulled, Her Majesty in Council may annul the same either in whole or in part, as the case may require, and the Order or part so annulled shall thenceforth become void, without prejudice to the validity of any proceedings taken under the same in the meantime :

15 Provided that where any Order or any part thereof is so annulled, the Lord Lieutenant in Council may, within *six months* thereafter, make another Order in place of the Order or part so annulled, subject nevertheless to be laid before Parliament and to be annulled by Her Majesty in Council in manner above mentioned, and so on as

20 often as occasion requires.

66.—(1.) The Local Government Board may make rules—

Rules and Provisional Orders by Local Government Board.

(a) for carrying into effect the provisions of Part Three of this Act so far as regards councils and guardians and their officers ; and in particular for regulating—

25 (i.) the communication by rural district councils and guardians to county councils and by county councils to urban district councils, of the amounts respectively required to be raised in each local financial year or any part thereof ; and

30 (ii.) the estimates to be made by district councils or their officers of their receipts and expenditure in each local financial year ; and

(b) for regulating any matter authorised by this Act to be prescribed or to be regulated by rules of the Local Government Board ; and

35 (c) generally for carrying into effect this Act, so far as the Lord Lieutenant in Council is not authorised to make provision for that purpose.

(2.) The Local Government Board may make Provisional Orders

40 for adapting any local Act to the provisions of this Act and of any Order in Council made thereunder.

A.D. 1898.

PART VII.

Definitions
and
Repeals.Interpreta-
tion of
certain terms
in the Act.9 Geo. 4.
c. 82.
17 & 18 Vict.
c. 103.

PART VII.

DEFINITIONS, SHORT TITLES, AND REPEALS.

67. In this Act, unless the context otherwise requires,—

The expression "union" means a poor law union:

The expression "borough" means a municipal borough having 5
a town council:The expression "town" means the area comprised in any town
or township having commissioners under the Lighting of
Towns (Ireland) Act, 1828, or the Towns Improvement (Ireland)
Act, 1854, or under any local Act: 10

The expression "mayor" includes a lord mayor:

The expression "guardians" means a board of guardians:

The expressions "local authority" and "authority" respectively
include a grand jury:The expression "Local Government Board" means the Local 15
Government Board for Ireland:The expression "Board of Control for lunatic asylums" means
the Commissioners for General Control and Correspondence,
and for the superintending and directing the erection, establish-
ment, and regulation of asylums for the lunatic poor in 20
Ireland:The expression "Commissioner of Valuation" means the Commis-
sioner of Valuation and Boundary Surveyor:The expression "Local Taxation (Ireland) Account" has the
same meaning as in the Probate Duties (Scotland and Ireland) 25
Act, 1888:51 & 52 Vict.
c. 60.The expression "road" includes any bridge, pipe, arch, gullet,
fence, railing, or wall forming part of such road:The expression "public work" means any road or work for
which, under the Grand Juries Acts, a presentment might but for 30
this Act be made by any presentment sessions for a barony or
county at large or any grand jury:

- The expression "lunatic asylum" means an asylum for the lunatic poor under the Lunatic Asylum Acts : A.D. 1808.
- The expression "landlord," when used with reference to land or other hereditaments, means the immediate lessor or other person receiving rent in respect of such land or hereditaments : PART VII.
Definitions and Repeals.
- The expression "holding" means any house or land held by a tenant of a landlord for the same term and under the same contract of tenancy : Cf. 44 & 45
Vic. c. 40,
s. 57.
- The expression "rateable value," when used in relation to any hereditament or area, means the annual rateable value under the Valuation Acts of such hereditament, or of all the hereditaments comprised in such area :
- The expression "local government electors" means as respects any county, or borough, district, electoral division, ward, or other area, the persons for the time being registered in the local government register of electors in respect of qualifications within such county, district, borough, ward, or other area :
- The expression "prescribed" means prescribed by the Local Government Board :
- The expression "existing" means existing at the time specified in the enactment in which the expression is used, and if no such time is expressed, then at the day appointed for the coming into operation of such enactment :
- The expression "powers" includes rights, jurisdiction, capacities, privileges, and immunities :
- The expression "duties" includes responsibilities and obligations :
- The expression "powers and duties" includes all powers and duties conferred or imposed by or arising under any local Act :
- The expression "office" includes any office, situation, or employment, and the expression "officer" shall be construed accordingly :
- The expression "Registration Acts" means the Acts and enactments relating to the registration of parliamentary voters in Ireland :
- The Grand Juries (Ireland) Acts, 1816 to 1895, are in this Act referred to as the Grand Juries Acts, and each of them is in this Act referred to as the Grand Juries Act of the year in which it was passed : 6 & 7 WIL. 4.
c. 116.
58 Vic. c. 6.
- The expression "Lunatic Asylum Acts" means the Acts specified in Part Two of the First Schedule to this Act.

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PART VII.

*Repeals.**Definitions.*

41 & 42 Vict.

c. 52.

59 & 60 Vict.

c. 54.

52 & 53 Vict.

c. 63.

1 & 2 Vict.

c. 55.

Extent of
Act, short
titles, and
repeal.

The Public Health (Ireland) Acts, 1878 to 1896, are in this Act referred to as the Public Health Acts, and each of them is in this Act referred to as the Public Health Act of the year in which it was passed :

The expression "Valuation Acts" means the Acts specified in 5 Part Three of the First Schedule to this Act.

(2.) For the purposes of the Interpretation Act 1889, this Act shall be deemed to be an Act amending the Poor Relief (Ireland) Act, 1838.

68.—(1.) This Act shall extend to Ireland only, and may be cited 10 as the Local Government (Ireland) Act, 1898.

(2.) The enactments specified in the Sixth Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned, and if any date for the repeal is mentioned in that column, then as from that date. 15

Provided that—

(a.) Any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactments in this Act.

(b.) The existing rules of the Lord Lieutenant in Council under 20 the Lunatic Asylum Acts shall continue in force in every county and lunatic asylum district until the first regulations under this Act in respect of that county or district come into force, and upon any such regulations coming into force, the said rules shall cease as respects that county or district. 25

(3.) Any other enactments of any Act, whether general or local, touching any business transferred to a county or district council by this Act so far as they relate to any fiat or other sanction of a judge, court, or recorder, or relate to traverses or memorials other than 30 memorials by a grand jury, shall be repealed.

PART VIII.

A.D. 1898.

TRANSITORY PROVISIONS.

PART VIII.

*First Elections and Councils.**Transitory Provisions.*

69.—(1.) The first election under this Act of county and rural district councillors and guardians in urban districts shall be held on the *twenty-fifth day of March* next after the passing of this Act, or on such day within seven days before or after that day as the Local Government Board may appoint.

First elections of county and rural district councillors and first councils.

(2.) The county councillors elected at that first election shall be a provisional council, but shall not enter on their ordinary duties or become a county council until the *first day of July* next after their election, or such other day, earlier or later, as, on the application of the provisional council, the Local Government Board may appoint.

(3.) This section shall not apply to councillors of county boroughs.

70. The first election in accordance with this Act of aldermen and councillors of any county borough or any urban district shall be held on the *twenty-fifth day of November* next after the passing of this Act, and the whole number of aldermen and councillors of each borough or district shall be then elected, and shall come into office on the day of election.

First election of aldermen and councillors in county boroughs and urban districts.

71.—(1.) The grand jury of any county at the spring assizes next after the *passing of this Act*, may choose from persons who are then serving, or have at any time during the previous three years served, as grand jurors, three persons who shall be additional councillors of the first council for that county.

Additional councillors for first councils.

(2.) The Lord Lieutenant may nominate persons to be additional members of the first committee of a county council (including the council of a county borough) or joint committee of such county councils for any lunatic asylum district, but the number shall not exceed one-fourth of the whole number of the committee.

(3.) The first rural district council under this Act shall, not later than two months after their first meeting, choose as additional councillors three persons from among the persons who have at any time during the preceding *three years* been ex-officio guardians of the union, co-extensive with, or comprising the whole or part of their district, and have actually served as such guardians, and are willing to serve as district councillors, and if they fail so to choose, the county council shall, as soon as may be, appoint from among those persons additional councillors, who shall be in the same position as if they had been so chosen.

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A.D. 1898.

PART VIII.

Transitory
Provisions.

(4) All additional councillors appointed or chosen under this Act, and the additional members of the first committee for a lunatic asylum district, shall retire from office in the *third year* after the election of the council upon which or upon the committee of which they are appointed or chosen to serve, and shall so retire on the day fixed by this Act for the ordinary day of retirement of the councillors of such councils. 5

Existing Officers.

Provision for
interests of
existing
county and
guardians'
officers.
See 56 & 57
Vict. c. 73.
s. 81.

72.—(1.) Where the business of any authority is transferred by or in pursuance of this Act to any county or district council, the existing officers of that authority employed in that business and not in any other business of that authority shall become the officers of the council of that county or district; and for the purpose of this section, any existing secretary of the grand jury, county treasurer, county surveyor, assistant surveyor, county solicitor, public analyst for a county, and a high constable and collector or collector of a barony shall be deemed to be an existing officer of the grand jury; and the officers of every lunatic asylum shall be deemed to be existing officers of the governors and directors of that asylum; and every existing officer of a county shall be transferred to the council of the county, and not to the council of any urban district not a county borough. 10 30

(2.) The foregoing provisions of this section shall apply to a county of a city or town; but if it does not become a county borough, any existing officer of the grand jury shall become the officer of the council of the county at large of which such county of a city or town will by virtue of this Act form part. 25

(3.) For the purpose of the enactments relating to superannuation, the service of any existing officer of any authority before the transfer to a county or district council shall be reckoned as service under that council. 30

(4.) Any existing secretary of the grand jury, unless he dies or resigns, or is removed with the concurrence of the Local Government Board, shall become and continue the secretary of the county council up to the *last day of March nineteen hundred*, and may then, if he has given *three months* previous notice in writing to the county council of his intention to retire, retire from office, and shall thereupon be entitled to receive an allowance under this Act of the same amount as if his office were abolished. 35

(5.) The county council may by notice given *three months* next before the said last day of March require such secretary to retire, and if they do so without the concurrence of the Local Government Board he shall be entitled to the same compensation under this Act as if his office were abolished. 40

(6.) If at any time after the said *last day of March* such secretary retires voluntarily he shall be entitled to receive from the county council a superannuation allowance on the scale provided by the Acts and rules relating to Her Majesty's Civil Service, and the amount of such allowance in case of dispute shall be determined by the Treasury.

(7.) The secretary of the grand jury of each of the counties of Cork and Tipperary shall become the secretary of the council of each riding of such county, and the foregoing provisions of this section shall apply as if he were separately the secretary of each such council, and the proportion of the remuneration to be paid by each riding shall in default of agreement be determined by the Local Government Board.

(8.) An existing officer of the grand jury of any county of a city or town, who by this Act becomes the officer of the council of the county at large of which such county of a city or town will form part, shall perform under the like officer of the council of that county at large the like duties as he has hitherto performed as respects the county of a city or county of a town, but in other respects the foregoing provisions of this section with respect to the like officer of a grand jury of a county at large shall apply to him.

(9.) Every county council shall, within *six months* after their first meeting, submit to the Local Government Board a scheme setting forth their arrangements for the collection of the poor rate, and the officers they propose to employ for the purpose, and the names and descriptions of the existing officers transferred to the county council by this Act (whether high constables and collectors, or collectors of a barony, or poor rate collectors of the guardians) whom they propose to employ as officers under such scheme, and the scheme shall not authorise the employment of new officers if sufficient existing officers are willing to serve.

(10.) The scheme shall provide for the existing officers employed under the scheme receiving remuneration substantially identical with that which they formerly received. Every officer who under such scheme when approved is not continued as an officer of the county council shall, if he is qualified under the existing law for the grant of a superannuation allowance, be entitled to receive from the county council the same compensation under this Act as if his office were abolished, but if he is not so qualified, shall be entitled to receive from the county council a gratuity according to the scale in Part One of the Seventh Schedule to this Act; provided that until the expiration of not less than *twelve*

A.D. 1898. months after receiving a gratuity under that schedule, an officer shall not be qualified to be appointed to any office under the county council, unless he refunds to the county council the gratuity. Of such gratuity, *one half* shall be repaid to the county council out of the moneys standing to the Local Taxation (Ireland) Account by 5 virtue of the Local Taxation (Ireland) Estate Duty Act, 1896, and the half of any gratuity so refunded shall be repaid by the council to that Account.

PART VIII.

Transitory Provisions.

59 & 60 Vict.
c. 41.

(11.) The Local Government Board may approve any such scheme with or without modifications; and if within *five years* from the date of such scheme being so approved any existing officer employed in pursuance of the scheme is dismissed by the county council otherwise than for misconduct or incapacity, he shall be entitled to receive from the county council a gratuity according to the scale in Part One of the Seventh Schedule to this Act. 15

(12.) If in the case of any officer other than such high constables or collectors, the area in which his duties are required to be performed is, by reason of any alteration of any boundary by or in pursuance of this Act, increased or diminished, the officer shall be bound to perform his duties in such altered area, and shall receive such increase or diminution of salary in proportion to the increase or diminution of his duties as the Local Government Board may sanction, subject, nevertheless, in case of diminution, to such compensation as is provided by this Act. 20

(13.) If by reason of a change made within *six months* after 25 the passing of this Act in the boundaries of a union, the office of any existing dispensary doctor becomes unnecessary, that office shall be deemed to be abolished within the meaning of the enactment applied by this Act; and any compensation payable to him shall be paid by the guardians of the unions which comprise his former district in such proportion as may be agreed upon, or in default of agreement be determined by the Local Government Board. 30

(14.) Subject to the provisions of this Act, every existing officer transferred under this section shall hold his office by the same tenure and upon the same terms and conditions as heretofore, and while performing the same or analogous duties shall receive not less remuneration than heretofore. 35

51 & 52 Vict.
c. 41.

(15.) Section one hundred and twenty of the Local Government Act, 1888, set out in Part Two of the Seventh Schedule to this Act (which relates to compensation to existing officers), shall apply in the case of existing officers affected by this Act, whether officers above in this section mentioned or not, as if references in that section to the county council included references to a district council. 40

(16.) All expenses incurred by any council in pursuance of this section shall be paid as expenses of the execution of this Act.

(17.) "Existing" in this section means holding office on the *first day of March one thousand eight hundred and ninety-eight*.

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PART VIII.

Transitory Provisions.

Provision for existing town clerks.

- 5 73.—(1.) If any existing town clerk of a borough or clerk to the commissioners of any town which is or becomes within twelve months after the passing of this Act an urban sanitary district is removed from his office for any cause other than misconduct or incapacity, he shall be entitled to receive from the council of such
- 10 borough or district, if he is qualified for a superannuation allowance under the Local Officers Superannuation (Ireland) Act, 1889, a superannuation allowance on the scale provided by the Acts and rules relating to Her Majesty's civil service, and if he is not so
- 15 qualified a gratuity according to the scale in Part One of the Seventh Schedule to this Act, and the amount of any such allowance or gratuity shall, in case of dispute, be determined by the Treasury, and while any such clerk remains in office he shall receive not less remuneration than heretofore.

(2.) "Existing" in this section means holding office on the *first day of March one thousand eight hundred and ninety-eight*.

Adjustment of Rent.

- 74.—(1.) Where the poor rate is made upon an occupier of any holding under an existing tenancy, then until the tenancy is determined or a new statutory term in the tenancy begins, the
- 25 following provisions shall have effect:—

Adjustment of rent as between occupier and landlord in consequence of agricultural grant, and change in incidence of rate.

- (a.) Where the occupier is entitled to deduct from his rent one-half of the county cess, the rent shall be reduced by *half* the appropriate standard amount (herein-after defined):
- 30 (b.) Where the occupier is entitled to deduct from his rent one-half of the poor rate, and the holding is not agricultural land, the rent shall be reduced by *half* the appropriate standard amount:
- 35 (c.) Where the occupier is entitled to deduct from his rent the whole of the county cess or poor rate, the rent shall be reduced, in the case of cess, by the whole of the appropriate standard amount, and in the case of poor rate, where the holding is agricultural land by *half*, and where it is not agricultural land by the whole, of the appropriate standard amount:
- 40 (d.) Where the occupier is not entitled to make any deduction from his rent in respect of poor rate, and the holding is

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PART VIII.

Transitory
Provisions.

agricultural land, he shall be liable to pay annually to his landlord a sum equal to *half* the appropriate standard amount, and such sum shall be recoverable as, and be deemed for all purposes to be, part of his rent.

(2.) Provided that where the occupier is entitled to deduct from his rent a sum less than *one-half* of the county cess or of the poor rate, as the case may be, the foregoing provisions shall apply, with the exception, that a sum bearing such proportion to *half* the appropriate standard amount as the amount he was entitled to deduct bore to half the county cess or poor rate, shall be substituted for a sum equal to *half* the appropriate standard amount.

(3.) A person entitled, whether by law or contract, to deduct a sum from his rent shall be deemed entitled to deduct within the meaning of this section; and where a person under the law existing at the time of his contract of tenancy, or under his contract of tenancy, is not liable to any cess or rate, he shall be in the same position under this section as if he were entitled to deduct the whole of that cess or rate from his rent.

(4.) Where a person receiving rent in respect of any holding which is not agricultural land also pays rent in respect of such holding, and the rent he receives is reduced by virtue of this section, the rent he pays shall be reduced by a sum bearing such proportion to the amount of the reduction as the rent he pays bears to the rent he receives.

(5.) Where part of a holding is agricultural land and part is not agricultural land, the foregoing provisions of this section shall apply separately to each such part as if it were a separate holding.

(6.) The "standard amount" for the purposes of this section means, in relation to any holding a sum equal to what is produced by a rate on the rateable value of the holding in the standard financial year, according to the standard rate.

(7.) Any difference which may arise as to the amount to be deducted or paid by occupiers under existing tenancies in pursuance of this section, shall be referred to the Commissioner of Valuation, whose decision shall be final.

(8.) An occupier of any holding under an existing tenancy shall, until the tenancy is determined or a new statutory term in the tenancy begins, be entitled notwithstanding any provision of this Act, to deduct from his rent the like proportion of any sum paid by him for poor rate on account of any railway, harbour, navigation or public health charge, as he would have been entitled to deduct from his rent on account of any cess or rate to meet the charge,

if the provisions of this Act with reference to the deduction of poor rate from his rent had not been enacted, and in the case of existing charges, as if the charge had continued to be raised by the same cess or rate as previously.

A.D. 1888.

PART VIII.

Transitory provisions.

- 5 (9.) The secretary of the county council shall, on request by the landlord or occupier of any holding, give a certificate of the rateable value of the holding and of the standard rate in the pound under this Act for the union or district in which the holding is situate, and where the holding consists partly of buildings and
10 partly of land shall distinguish the rateable value of that portion which consists of buildings and of that portion which consists of land. The said certificate shall be in such form, and contain such particulars, and the secretary of the county council shall be entitled to such payment for each certificate as may be prescribed.
- 15 (10.) Where the occupier of a hereditament in an urban district becomes, by reason of this Act, liable to pay all or part of any rate made by the council of such urban district, other than the poor rate, and such rate was previously made upon the landlord, or immediate lessor, he shall until his tenancy determines, be entitled
20 to deduct the amount for which he so becomes liable, from his rent.

Miscellaneous.

- 75.—(1.) The Local Government Board and Commissioner of Valuation respectively may, with the consent of the Treasury, as to number and remuneration, appoint and remove such officers and other
25 persons as they or he may think necessary for the purposes of any adjustment under this Part of this Act or otherwise for the purpose of any work to be done for carrying this Act into effect if such adjustment is made or work done is within *twelve months* after the commencement thereof, and the remuneration and expenses
30 of all officers and other persons so appointed shall be defrayed out of the money standing to the Local Taxation (Ireland) Account under the Local Taxation (Ireland) Estate Duty Act, 1896.

Employment and payment of officers by Local Government Board.

59 & 60 Vict. c. 41.

- (2.) The officers employed in auditing county treasurers accounts who were formerly officers in the office of the Receiver
35 Master, and were subsequently transferred to the Local Government Board, shall become poor law auditors under that Board at the same remuneration as they have hitherto received; and they shall be qualified to receive a grant of such superannuation allowance as is authorised by the Local Officers (Ireland)
40 Superannuation Act, 1869; and their service as such poor law auditor after the transfer shall as well as their past service be reckoned as service for the purpose of such superannuation

32 & 33 Vict. c. 79.

A.D. 1898. allowance, and any such allowance shall be paid out of the fee fund mentioned in the said Act; and any surplus of that fee fund above what is required to meet such superannuation and other expenses payable thereout shall be paid to the Local Taxation (Ireland) Account, and be applied as if it had been paid under the said Act of 1896. 5

PART VIII.

Transitory provisions.

Provisions consequential on change of boundaries of judicial county.

76.—(1.) Any change made by this Act or by an order made within six months after the passing of this Act as respects the boundary of a judicial county shall not take effect until the jurors books which are revised in the year one thousand eight hundred and ninety-nine come into operation. 10

(2.) Every matter, civil or criminal, arising before such change takes effect, which would have been heard, tried, determined, or otherwise dealt with by any court or justices, may after such change takes effect be heard, tried, determined, and dealt with in like manner as if such change had taken effect before the said matter arose. 15

(3.) Provided that where any proceeding in relation to any such matter had begun before the change took effect, the same may, if the court or justices so direct, be continued as if the change had not taken effect, and recognizances existing at the date of such change shall have effect and may be enforced in like manner, as nearly as circumstances admit, as they would have been if such change had not taken effect. 20

Commencement and Appointed Day.

25

Commencement of Act.

77. Subject as in this Act mentioned this Act shall, in each administrative county, come into operation on the *first day of July* next after the passing thereof, or such other day, earlier or later, as the Local Government Board (but after the election of county councillors for such county, on the application of the provisional council or county council) may appoint, either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act, whether contained in the same section or in different sections or for different counties, and where any particular day is appointed for any particular provision of the Act coming into operation, that provision shall not come into force until the day so appointed. 30 35

SCHEDULES.

A.D. 1898.

FIRST SCHEDULE.

ACTS REFERRED TO.

PART I.

5 *Enactments relating to Compensation for Criminal Injury.*

Session and Chapter.	Short Title.	Enactments referred to
3 & 4 Will. 4. c. 78.	The Grand Jury (Ireland) Act, 1833.	Sections seventy-three and seventy-four.
10 6 & 7 Will. 4. c. 118.	The Grand Jury (Ireland) Act, 1835.	Section one hundred and six; sections one hundred and thirty-five to one hundred and forty.
11 & 12 Vict. c. 39.	The Malicious Injuries (Ireland) Act, 1848.	The whole Act.
16 & 17 Vict. c. 38.	The Malicious Injuries (Ireland) Act, 1853.	The whole Act.
15 57 & 58 Vict. c. 60.	The Merchant Shipping Act, 1894.	Section five hundred and fifteen, so far as it relates to Ireland.

Also, any enactment applying or amending any of the above enactments, or otherwise touching compensation thereunder.

20

PART II.

Lunatic Asylum Acts.

Session and Chapter.	Short Title.
1 & 2 Geo. 4. c. 33. - -	The Lunacy (Ireland) Act, 1821.
7 Geo. 4. c. 14. - -	The Lunacy (Ireland) Act, 1825.
25 11 Geo. 4. and 1 Will. 4. c. 22. -	The Richmond Lunatic Asylum Act, 1830
8 & 9 Vict. c. 107. - -	The Central Criminal Lunatic Asylum (Ireland) Act, 1845.
9 & 10 Vict. c. 118. - -	The Lunatic Asylums (Ireland) Act, 1848
18 & 19 Vict. c. 109. - -	The Lunatic Asylums Repayment of Advances (Ireland) Act, 1855.
30 30 & 31 Vict. c. 118. - -	The Lunacy (Ireland) Act, 1867.
31 & 32 Vict. c. 97. - -	The Lunatic Asylums (Ireland) Accounts Audit Act, 1868.
38 & 39 Vict. c. 67. - -	The Lunatic Asylums (Ireland) Act, 1875
35 53 & 54 Vict. c. 31. - -	The Pauper Lunatic Asylums (Ireland) (Superannuation) Act, 1890.

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G

A.D. 1868.

PART III.

Valuation Acts.

Session and Chapter.	Short Title.	
14 & 15 Vict. c. 63.	The Valuation (Ireland) Act, 1852.	
17 Vict. c. 8.	The Valuation (Ireland) Act, 1854.	5
19 & 20 Vict. c. 63.	The Grand Jurors (Ireland) Act, 1856.	
23 Vict. c. 4.	The Annual Revision of Rateable Property (Ireland) Amendment Act, 1860.	
27 & 28 Vict. c. 52.	The Valuation (Ireland) Act, 1864.	
37 & 38 Vict. c. 70.	The Valuation (Ireland) Amendment Act, 1874.	10
17 Vict. c. 17.	The Boundary Survey (Ireland) Act, 1854.	
20 & 21 Vict. c. 45.	The Boundary Survey (Ireland) Act, 1857.	
22 & 23 Vict. c. 8.	The Boundary Survey (Ireland) Act, 1859.	

SECOND SCHEDULE.

COUNTY BOROUGHES.	15
Dublin.	
Belfast.	
Cork.	
Limerick.	
Londonderry.	20
Waterford.	

THIRD SCHEDULE.

A.D. 1898.

Local Taxation Licences.

- Licences for the sale of intoxicating liquor for consumption on the premises;
- | | | |
|---|--|---|
| 5 | Retailers of spirits (publicans). | Retailers of wine. |
| | Retailers of spirits, occasional licences. | Retailers of wine, occasional licences. |
| | Retailers of beer. | Retailers of sweets. |
| | Retailers of beer and wine. | |
- Licences for the sale of intoxicating liquor by retail, by persons not licensed to deal therein, for consumption off the premises;
- | | | |
|----|---------------------------------|--------------------------|
| 10 | Retailers of spirits (grocers). | Retailers of wine. |
| | Retailers of beer and wine. | Retailers of table beer. |
- Licences to deal in game.
- Licences for—
- | | | |
|----|----------------------------|------------------|
| 15 | Beer dealers. | Auctioneers. |
| | Spirit dealers. | Hawkers. |
| | Sweet dealers. | House agents. |
| | Wine dealers. | Pawnbrokers. |
| | Refreshment house keepers. | Plate dealers. |
| 20 | Guns. | Tobacco dealers. |
| | Appraisers. | |
- Certificates for killing game.

A.D. 1898.

FOURTH SCHEDULE.

Election of County and District Councils and Guardians.

Session and Chapter.	Short Title.	Enactments capable of being applied.	
51 & 52 Vict. c. 41. -	The Local Government Act, 1888.	Section seventy-five.	5
56 & 57 Vict. c. 73. -	The Local Government Act, 1894.	Sections forty-three, forty-four, forty-eight.	

Disqualification of persons for being members of a County or District Council, and of members of any such Council and their partners for appointment to an office. 10

45 & 46 Vict. c. 50. -	The Municipal Corporations Act, 1882.	Section twelve.	
52 & 53 Vict. c. 50. -	The Local Government (Scotland) Act, 1889.	Section nine, section, eighty-three, subsection five.	15
56 & 57 Vict. c. 73. -	The Local Government Act, 1894.	Section forty-six.	

Incorporation of County and District Councils.

51 & 52 Vict. c. 41. -	The Local Government Act, 1888.	Section seventy-nine.	20
56 & 57 Vict. c. 73. -	The Local Government Act, 1894.	Section twenty-four, subsection seven.	

Property, Funds, and Expenses of County and District Councils.

45 & 46 Vict. c. 50. -	The Municipal Corporations Act, 1882.	Section one hundred and twenty-four.	25
51 & 52 Vict. c. 41. -	The Local Government Act, 1888.	Sections sixty-four to sixty-seven, sixty-eight, subsection seven, eight, eighty.	

Annual Budget, Accounts, Audit, and Local Financial Year.

A.D. 1898.

Session and Chapter.	Short Title.	Enactments capable of being applied.
5 45 & 46 Vict. c. 59.	The Municipal Corporations Act, 1882.	Sections twenty-six to twenty-eight; two hundred and thirty-three, subsections three, four, six, and seven.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	Sections seventy-one, seventy-three, seventy-four.
10 56 & 57 Vict. c. 73.	The Local Government Act, 1894.	Section fifty-eight.

Borrowing by County Councils.

51 & 52 Vict. c. 41.	The Local Government Act, 1888.	Sections sixty-nine, seventy.
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15 *Transfer of powers from the Treasury in relation to borrowing and to the acquisition and disposition of land by Councils of Boroughs.*

51 & 52 Vict. c. 41.	The Local Government Act, 1888.	Section seventy-two.
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20 *The Alteration of boundaries by order of the Local Government Board and the adjustment of property, income, debts, and liabilities and expenses for the purposes of this Act, or any Order made or thing done in pursuance of this Act.*

51 & 52 Vict. c. 41.	The Local Government Act, 1888.	Sections fifty-four, fifty-nine, sixty, sixty-three.
25 56 & 57 Vict. c. 73.	The Local Government Act, 1894.	Section sixty-eight.

A.D. 1898.

Local inquiries by the Local Government Board.

Session and Chapter.	Short Title.	Enactments capable of being applied.
51 & 52 Vict. c. 41. -	The Local Government Act, 1888.	Section eighty-seven, subsections one, two, and five.

The Construction of Enactments relating to business transferred by this Act. 5

51 & 52 Vict. c. 41. -	The Local Government Act, 1888.	Sections twenty-nine and seventy-eight.	10
56 & 57 Vict. c. 73. -	The Local Government Act, 1894.	Sections fifty-two, subsection five.	

Proceedings and Committees of County and District Councils, and the Chairman and Vice-Chairman thereof.

45 & 46 Vict. c. 50. -	The Municipal Corporations Act, 1882.	Sections twenty-two, thirty-four, thirty-seven, thirty-nine, forty-one, forty-two; Sch. II.	15
51 & 52 Vict. c. 41. -	The Local Government Act, 1888.	Section two, subsection six; sections seventy-five, eighty-one, eighty-two.	
54 & 55 Vict. c. 68. -	The County Councils (Elections) Act, 1891.	Section five.	20
56 & 57 Vict. c. 73. -	The Local Government Act, 1894.	Section fifty-six, subsections one, three, four; section fifty-nine; Sch. I. Parts III., IV.	

Power of Local Government Board for the purpose of remedying defects, and bringing the Act into full operation upon the commencement thereof. 25

51 & 52 Vict. c. 41. -	The Local Government Act, 1888.	Section one hundred and eight.	30
56 & 57 Vict. c. 73. -	The Local Government Act, 1894.	Section eighty, subsection one.	
59 & 60 Vict. c. 1. -	The Local Government (Elections) Act, 1896.	Section one.	

FIFTH SCHEDULE.

A.D. 1898.

IRISH ENACTMENTS SUBJECT TO ADAPTATION BY ORDER
IN COUNCIL.

- 5 The Grand Juries Acts.
The Municipal Corporations (Ireland) Act, 1840.
The Lighting of Towns (Ireland) Act, 1828.
The Towns Improvement (Ireland) Act, 1854.
The Public Health Acts, 1878 to 1896.
The Valuation Acts.
- 10 The Registration Acts.
The Lunatic Asylum Acts.
The Local Government (Ireland) Act, 1871.
The Local Government Board (Ireland) Act, 1872.
-

SIXTH SCHEDULE.

- 15 ACTS REPEALED.
-

A.D. 1888.

SEVENTH SCHEDULE.

COMPENSATION.

PART I.

Scale of Compensation for Barony Collection.

PART II.

5

Section 120 (omitting ss. (8)) of the Local Government Act, 1888.

Compensation to existing officers.

120.—(1.) Every existing officer declared by this Act to be entitled to compensation, and every other existing officer, whether before mentioned in this Act or not, who by virtue of this Act or anything done in pursuance of or in consequence of this Act, suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary, shall be entitled to have compensation paid to him for such pecuniary loss by the county council, to whom the powers of the authority, whose officer he was, are transferred under this Act, regard being had to the conditions on which his appointment was made, to the nature of his office or employment, to the duration of his service, to any additional emoluments which he acquires by virtue of this Act or of anything done in pursuance of or in consequence of this Act, and to the emoluments which he might have acquired if he had not refused to accept any office offered by any council or other body acting under this Act, and to all the other circumstances of the case, and the compensation shall not exceed the amount which, under the Acts and rules relating to Her Majesty's Civil Service, is paid to a person on abolition of office.

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(2.) Every person who is entitled to compensation, as above mentioned, shall deliver to the county council a claim under his hand setting forth the whole amount received and expended by him or his predecessors in office, in every year during the period of five years next before the passing of this Act, on account of the emoluments for which he claims compensation, distinguishing the

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offices in respect of which the same have been received, and accompanied by a statutory declaration under the Statutory Declaration Act, 1835, that the same is a true statement according to the best of his knowledge, information, and belief. A.D. 1893.
5 & 6 Will. 4.
c. 62.

- 5 (3.) Such statement shall be submitted to the county council, who shall forthwith take the same into consideration, and assess the just amount of compensation (if any), and shall forthwith inform the claimant of their decision.

- 10 (4.) If a claimant is aggrieved by the refusal of the county council to grant any compensation, or by the amount of compensation assessed, or if not less than one third of the members of such council subscribe a protest against the amount of the compensation as being excessive, the claimant or any subscriber to such protest (as the case may be) may, within three months after
15 the decision of the council, appeal to the Treasury, who shall consider the case and determine whether any compensation, and if so, what amount ought to be granted to the claimant, and such determination shall be final.

- 20 (5.) Any claimant under this section, if so required by any member of the county council, shall attend at a meeting of the council and answer upon oath, which any justice present may administer, all questions asked by any member of the council touching the matters set forth in his claim, and shall further produce all books, papers, and documents in his possession or under
25 his control relating to such claim.

- (6.) The sum payable as compensation to any person in pursuance of this section shall commence to be payable at the date fixed by the council on granting the compensation, or, in case of appeal, by the Treasury, and shall be a specialty debt due to him from the
30 county council, and may be enforced accordingly in like manner as if the council had entered into a bond to pay the same.

- (7.) If a person receiving compensation in pursuance of this section is appointed to any office under the same or any other county council, or by virtue of this Act, or anything done in pursuance of or in consequence of this Act, receives any increase of
35 emoluments of the office held by him, he shall not, while receiving the emoluments of that office, receive any greater amount of his compensation, if any, than, with the emoluments of the said office, is equal to the emoluments for which compensation was granted
40 to him, and if the emoluments of the office he holds are equal to or greater than the emoluments for which compensation was granted, his compensation shall be suspended while he holds each office.

Local Government (Ireland).

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B I L L

For amending the Law relating to Local Government in Ireland, and for other purposes connected therewith.

*(Prepared and brought in by
Mr. Gerald Balfour, Mr. Balfour,
Mr. Chancellor of the Exchequer, and
Mr. Attorney-General for Ireland.)*

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